Segregation-1926.

Alabama.

SEGREGATION UNCHANGED IN BIRMINGHAM CONVENTION.

Chicago, Ill.—A. N. P.—Segregation will obtain in the International Sunday School Convention at Birmingham, Ala., according to latest reports from the Religious Educat[illegible] Department of the A. M. [illegible] Zion Church. The Birmingham Convention committee has not receded one iota from its plan to segregate all Negro delegates. It is reported that the chairman of the committee induced the "committee of one hundred" in Birmingham to segregate Negroes on the main floor instead of the gallery.

The A. M. E. Zion, A. M. E., and C. M. E. denominations have issued official statements of withdrawal from the Birmingham Convention and advising their constituents to stay away. In addition to this, formal protest is being made to eight of the twelve state organizations in which Negroes are members some of which already have credentials.

A telegram has been received from Matthew J. Trenery saying that the Church School Department of the Methodist Episcopal Church does not favor segregation, but is in harmony with the International Council in segregating Negroes in the Birmingham Convention according to the ordinance of the city.

In a recent interview, Dr. S. N. Vass was credited with including the A. M. E. Zion church in the group that met Dr. Hopkins at Nashville on February [illegible]h for the second time and who [illegible]l unanimous support of the [illegible]gham Convention. This [illegible]orted to be a gross mis[illegible]ment. The A. M. E. Zion Church did not participate in that Conference or instruct anybody to vote for it. Having had a letter from Dr. Vass in which he said he expected Dr. Hopkins to present some "jim-crow arrangement" of seats for Negro delegates on the main floor and to have that in mind in writing him in the event we would not be present, an officer of the Religious Education Department wrote Dr. Vass: "The historic position of the A. M. E. Zion Church is against segregation and we see no reason to recede from that postion in this instance. The Star of Zion (Charlotte, N. C.), the denomination's official organ whose editor was secretary of our press release committee, said editorially (Feb. 1[illegible] "The Star of Zion and the A. M. E. Zion Church are opposed to segregation when proposed and endorsed by the Ku Klux Klan or the International Council of Religious Education." Segregation is segrega[illegible] whether in the gallery or [illegible] the front row of the main floor and the A. M. E. Zion Church, true to its traditions, has not receded and will not recede from its position as announced that we shall certify no delegates to the Birmingham Convention unless our representatives are guaranteed the rights and privileges of any other delegates in the convention.

THE ZONING ORDINANCE FOR BIRMING[illegible] WHAT IS IT?

The plan for a zoning ordinance in the city of [illegible]am has aroused unusual suspicion on the part of its colored popula[illegible] the belief that the new zoning idea for the city contemplates n[illegible] the Negro that circumstances might not have taught him to exp[illegible]

Inasmuch as the Supreme Court of the United S[illegible] spoken on segregation laws, zoning appears to be the best means of c[illegible]venting the obstacle that stands in the way of forcing Negroes into areas [illegible]gn to improvement, protection and human conveniences.

It is a noteworthy experience of the race that a law fair on its face may be made to operate under prejudicial interpretations to the detriment of those who have no means of protecting themselves against the evil imposed by the interpretation.

The Negro should be careful to examine into all regulations that seek to interfere with his comfort and happiness. Decent protest and a manly disposition is always in order when one's rights are being infringed upon and a delay in protesting these rights may prove serious and expensive.

There is no disposition on the part of this publication to interfere with the progress and happiness of the city of Birmingham; we consider it a big part of our duty to encourage, aid and promote anything that means success for our community and our city. We also feel it our duty to promote the interest of the race and help to conserve to it the best possible living conditions and protection.

If the poisoned teeth could be pulled out of segregation and it could be made to mean equal conveniences, comfort and protection, there could be no objection to it, if we are able to respect traditions and customs of certain sections. But when it sets off areas to be neglected in everything but rents, collections, fees, dives, fares and taxes, it is proof positive of a disposition to be unfair in dispensing public service to those who are victims of it. Negroes want conveniences like anyone else and when they are taxed to provide them and then forced away from them, it increases the hardships of which they have enough already.

It all means that in the councils where the interest of the Negro is concerned, there is the need of representation to keep before the white people some clear view of the aims and needs of the race, and that the character, standing and respect of the Negroes through whom this representation is made should be above question in the minds of both the Negroes and white people.

Out of the vast area over which the city is expanding, a comparatively small area with any improvements have been left accessible for Negro residence. This may not seem to mean that they must go to the country or to other cities, but the force and effect of it will eventually be the same thing.

Perhaps, there should be an exodus of Negroes from the city to the country, and perhaps an exodus of the white people as well, but it cannot be effectually forced since conditions in the country are such that the flow of population is cityward, and, to those cities where decent living conditions are not made uncertain by segregation under the name of zoning laws.

The Negro people have some substantial friends in the city of Birmingham in the white race, made so by their patriotism, loyalty, and worthiness as industrial assets to the common growth of the community and State; certainly these friends will not allow this group to be injured by those who may not be as [illegible]derate as the life and service of the Negro in this community should co[illegible]mand.

Our people have a right to doubt the wisdom of the kind of zoning being discussed for them in the City of Birmingham.

Segregation- 1926

Alabama.

NEGRO MUST RESIDE APART FROM WHITES HIGH COURT HOLDS

Landlord Pleads 14th Amendment in Effort to Force Birmingham Man to Live in Same Building

A ruling bearing upon the matter of race segregation in Alabama, is made in opinion by Justice Virgil Bouldin, in connection with decision rendered by the supreme court of Alabama, Thursday, reversing judgment of the Jefferson circuit court and remanding for a new trial, the appealed case of W. P. Wyatt vs. J. E. Adair.

The case involved suit brought by Adair against Wyatt for recovery of damages growing out of alleged breach of contract or duty under contract between a landlord and a tenant, in that the landlord, pending occupancy of the tenant vacated another apartment in the same building to negroes, and placed them in possession. In the trial court Adair was awarded judgment in the sum of $1,115 and Wyatt appealed.

During the trial and on appeal, the defense pleaded the fourteenth amendment to the constitution of the United States, placing its principal reliance on this point. In the opinion of Justice Bouldin however, it is stated that the segregation of the white race and the negro race is the custom of the country; that the rental contract covered observance of this custom, and that the plaintiff had a right to recover damages.

Justice Bouldin, in further discussing in his opinion, the question of race segregation cited a decision of the supreme court of the United States, in a case appealed from the courts of the District of Columbia, in which it was ruled that when the owners of property in a district inhabited by white persons combine in signing of a mutual agreement excluding negroes from owning or renting property in such district, the courts must uphold such agreement. The judgment of the Jefferson circuit court in the case in point, was reversed, and the cause remanded for new trial on the ground of error by the trial judge in charging the jury.

Affirming judgment of the Mobile circuit court in the appealed case of J. B. Turner vs. Daniel E. Jett and others, the supreme court held that when an employer transports or has transported to and from work, by a motor car, persons employed by him, he is liable, under the workmen's compensation act, for injury to such employe or employes.

Segregation- 1926

Alabama.

A NEW PHASE OF SEGREGATION

A man's philosophy of life is muchly doubled and twisted when it causes him to assume a menacing attitude and proceed with militant objections toward everything that he does not like. In fact, he is in a bad fix.

With a world of opportunities before him and everything in his favor in government, in commerce, in art, in science, in education, if the dominant race cannot be content and fair enough to let an under-dog gnaw a fleshless bone in peace, there is something in his system too horribly inhuman for words to describe. If the world were small, if its resources were limited and the struggle for existence were fierce, we could harmonize the conduct of some men of the dominant race in the light of the code of justice that prevailed before civilization was born.

Birmingham Reporter

But down in Florida the other day, a Negro property owner, J. M. Debie, is said to have made a subdivision for Negroes, advertised the sale in the usual way with signs and at the usual expense and this was his experience:

1. A fiery cross was placed before his home and he was warned to move.
2. He reported the matter and officers were assigned to the district for his protection.

2-13-26

3. About 50 men of the dominant race visited him, set fire to the sales office and drove away the policemen.

If this subdivision had been on the edge of the Everglades where mud is ankle deep and where the miasma produced malaria enough to kill anything but alligators and mosquitoes, it would have been perfectly satisfactory. But it must have been a somewhat decent place high and dry, with the promise of beauty, convenience and respectability.

Birmingham Ala.

The subdivision was for Negroes, it was owned and projected by a Negro, and the militant objections expressed in this affair puts another interpretation on the policy of segregation.

It means that when there is nothing more at stake than a decent place to live and enjoy comforts among themselves, a Negro may not have protection in the enjoyment of what he acquires if some few members of the dominant race object.

Furthermore, there is always some one to object and these objections will continue as long as they are sustained by either winking at outrages on the unprotected Negro or mass violence can pass muster in a cultured and civilized community.

If the white man really objects to seeing a Negro enjoy conveniences and comforts in any way approaching to those of himself, he has gone the Negro one better in the spirit of human connivance with all of his culture and advantages. He has simply stretched his sense of superiority beyond the point of his own confidence in it, and the irony of his situation will be the subject of ridicule in history.

If he cannot be magnanimous enough to play the game fair with all the odds in his favor and every advantage on his side, there cannot be much doubt about the fact that the best in him is either obsessed by his culture or consumed by his prejudices.

May be, we could see it differently if the making of this subdivision had seemed to deprive any one of something to which they thought they had a real right.

But there were no rights in controversy, no animosities engendered by disputed questions of fact—nothing but the bald desire to harass a dog for his bone not because he needed it, nor, perhaps, because he wanted it so much himself, but because he did not want the dog to have it, and because he could do it without any serious consequences to anything but the dog.

This seems to be a pretty fair analysis of the mental attitude in affairs of this kind and these incidents are compelled to multiply with occasions if the sentiment against it and the disapproval of the best white people is not strongly registered against the methods that make it possible. The Negro would be abnormal, if, under the influence of a high civilization, he did not respond to the same effects and in much the same way as any other man. It is out of the question to expect anything different from him and they reason poorly who calculate that he will be satisfied to live in marshes and tin-cup alleys any longer than his poverty compels him to do it.

It is inconsistent with all economic principles and incompatible with any idea of social justice to expect the service of labor and then deprive the laborer of enjoyment of what he accumulates from it.

It is a good way to bring about an acute labor situation because there are places under the American flag where people have neither the time nor the disposition to fret about what a man owns, how he lives, or what he accumulates if he is honest, industrious and law-abiding.

It is the same old drama of Naboth's vineyard and the weakness and covetousness of Ahab reproduced in the colorful splendor of the twentieth century by these modern kings whom prosperity has crowned with absolute and unconditional rulership.

The setting is the Land of Flowers and that Jezreel of the South where the twin sins of idolatrous riches and covetousness parade to the tune of sportful pleasures. The method of disposing of Naboth did have some advantages in the matter of taste over the methods in the Tampa affair, even though Ahab was a heathen; but it takes a long stretch of imagination to discover any difference between the principles of human rights involved in the two cases.

No Segregation Ordinance In City Of Birmingham

Birmingham, Ala., Mar. 16—ANP—In a meeting today of the colored and white committees in charge of arrangements for the International Sunday School Convention it was announced that there is no ordinance in Birmingham prohibiting the seating of white and colored people together in the city auditorium.

Dr. Robert M. Hopkins, chairman of the Executive and of the Birmingham Convention Committees and Dr. S. N. Vass, chairman of the Professional Advisory Section of Negro Work of the International Council of Religious Education were present and addressed the joint committees. Dr. Vass said, "Dr. Hopkins and I were informed that there is a law on the statute book prohibiting the seating of white and colored people together, but, after some investigation we found that there is no such law on the statute book but that there is a resolution before the City Council which has as its purpose the segregation of the races in the city auditorium. I suggest this, that the council be asked to hold this resolution until after this meeting."

Birmingham Ala.

2-13-26

Dr. Hopkins stated: "The International Council accepted the invitation to come to Birmingham, knowing the condition existing in the South and we cannot violate the laws and customs of this city. However, when we heard that the colored delegation would be seated in the gallery we knew that it would not be satisfactory. Segregation is a long accustomed, accepted fact. If we come as breakers of habit, I do not know what will happen. I want to pledge you here that if you give us your confidence, we will be able to do a greater work than we would be able to do by boycotting and threatening."

The president of the local committee, white, did not think it advisable to go to the city commission asking that this ordinance not be passed until after the convention, for it would defeat the plan of the local committee and, perhaps, would engender strife and would bring about conditions which would take years to settle. He further stated that the seating of the colored delegates would be admirably arranged if left to the International and local committees.

Following remarks by the members of the colored committee the motion was passed: "That the plans for the seating the colored delegates be accepted by this committee subject to the approval of our Church Boards as amended that there be no signs of segregation and that colored delegates be seated in the circle which is a part of the main floor."

Home Blasted But He Continues To Defy K. K. K.

Efforts To Intimidate Citizen And Force Him To Move, Fail

BIRMINGHAM, Ala., Aug. 25 — Defying dynamite and the fiery cross, Albert Oldham of Ensley, a suburb, Sunday declared midnight raids of the Ku Klux Klan will not frighten him into moving.

Birmingham Ala.

9-27-26

Oldham, who has two small children said he is a naturalized citizen, but declined to reveal the country of his birth. Resentment of Klansmen because he is not "100 per cent American" is ascribed for the persecution.

Attacks on the home of Oldham have been revealed although he asserts he and his family have been threatened for nearly a year.

Dynamite hurled Saturday on the porch of his residence led Oldham to break the silence he has preserved through months of danger. The charge wrecked the porch, but no one was injured.

Anonymous letters signed "Ku Klux Klan", mysterious telephone calls. Black Hand notes, weird voices in the night, prowlers slinking past his window, and the fiery cross blazing at his doorway have been used to intimidate the family.

Oldham says the attacks were made because of his refusal to join the klan. "I'm supporting my family and making an honest living and I won't move," he declared.

Segregation-1926

Arkansas.

Little Rock Whites Forcibly Eject Negro Family From House

(Preston News Service.)

LITTLE ROCK, Ark., Sept. 13.—Rabid white residents of the 1309 block of Rock street assembled last Thursday night and forcibly ejected a colored family from a house in that block. The property is said to be owned by Gustav Breitke, vice-president of the Oaklawn Dairy Company.

9-15-26

About eight o'clock George Cope appeared at Police Headquarters and inquired of the sergeant how much it would cost to plead guilty of fighting.

N.Y.

He explained that he and his neighbors had protested to Beitke against renting the property in that neighborhood to Negroes. A heated discussion followed and Cope admitted that he knocked down Breitke. Cope was advised to return home and wait until complaint was made.

About midnight the owner of the property complained that several men were attacking his tenants. The police went to the scene, but said that the evacuation had been effected when they arrived. Breitke has sworn out a warrant against Cope and others.

Segregation - 1926 California.

White Sympathizer Makes Gun Play In Segregation Case

Neighborhood Segregation Movement Brought to Dramatic Climax

Los Angeles, Calif., Aug 18 (PCNB) —The bitter relentless fight being waged by a neighborhood group known as the South-west Chamber of Commerce backed by its publicity sheet "South Park Bulletin" in their futlie efforts to stay the Negro realty invasion from their district, was brought to a dramatic climax last week when a white champion of a colored property owner within the district made a play for public sympathy in behalf of his colored friend.

Refuses To Sell

This self styled restrictive organization headed by F. C. Finkle Z. Fitzgerald and Jerry Kern have eneavored thru various methods of intimidation, threats, and persuasions to induce Mentis Carrere, a colored shipping clerk who recently bought a home at 721 W. 85th St., to move or sell out. Carrere flatly refuses to do either.

Acts As Champion

Harry E. Grund, a young white man, foreman in the same place where Carrre is employed, heroically took upon himself the job of battering down the opposition toCarrere. He became almost a body guard for Carerre and his family.

Learning of the threatening attitude of the white agitators who it is said were planning to attack Carrere's home, and fearing for his friends safety, Ground to win sympathy for Carrere, got a revolver and fired several shots in front of Carrere's home: one of which went thru a mail carrier's window across the street. Ground was assested and confined in jail. Jailed but undaunted, Grund still declares he is ready to champion the Negro's cause in his fight against segregation.

White Journal Agitates

The free publicity journal "Southpark Bulletin" of the district is the chief agitator against the so called Negro invasion of their distrirt, a section that lies directly in the path of the only logical expansion territory for the rapid increase of colored population. Thru a series of weekly articles an attempt is being made to stop the Negro invasion at all cost. So far their efforts have been friutless and the Negro is closing in on two sides as each week progresses. One of the articles published is as follows:

"C of C. Welcome In South Park Distrct"

"We cheerfully agree that the organization of the South Park Division may be the beginning of better conditions, especially business, in our district. We are more than pleased that these men have awakened to a civic duty for South Park. This is one of the things that has impelled the Home Protective League member to work so hard and sacifice so much to make this district white and keep it white, that we do not build a prosperous commonwealth only to be usurped by Negroes and other races. Business men as well as property owners are vitally interested because white people will draw the color line on trade, especially refreshment parlors amusement places restaurants, and all will lose heavily if catering to Negro trade in our district.

"What profit will it be to the white people in this district to have street lights, paved streets through to the harbor, better business storm drains, Chamber of Commerce and what not if the district is to be gobbled up by Negroes?"

Los Angeles Group Attempts by All Sorts of Means to Halve Property Buying by Negroes in Desirable Locations.

Young White Friend of Negro Makes Gun Play

Los Angeles, Calif., Aug. 21—(P. C. N. Bu.)—The bitter relentless fight being waged by a neighborhood group known as the Southwest Chamber of Commerce backed by its publicity sheet "South Park Bulletin" in their futile efforts to stay the Negro realty invasion from their district, was brought to a dramatic climax last week when a white champion of a Colored property owner within the district made a play for public sympathy in behalf of his Colored friend.

Refuses to Sell

This self styled restrictive organization headed by F. C. Finckle, Z. Fitzerald and Jerry Kern have endeavored through various methods of intimidation, threats and persuasions to induce Mentis Carrere, a Colored shipping clerk who recently bought a home at 721 W. 8th St., to move or sell out. Carrere flatly refuses to do either.

Acts as Champion

Harry E. Grund, a young white man, forman in the same place where Carrere is employed, heroically took upon himself the job of battering down the opposition to Carrere. He became almost a body guard for Carrere and his family.

Learning of the threatening attitude of the white agitators who it is said were planning to attack Carrere's home, and fearing for his friends safety, Grund to win sympathy for Carrere, got a revolver and fired several shots in front of Carrere's home, one of which went through a mail carriers window across the street. Grund was arrested and confined in jail. Jailed but undaunted, Grund still declares he is ready to champion the Negro's cause in his fight against segregation.

White Journal Agitates

The free publicity journal "South-Park Bulletin" of the district is the chief agitator against the so-called Negro invasion of their district, a section that lies already in the path of the only logical expansion territory for the rapid increase of Colored population. Through a series of weekly articles an attempt is being made to stop the Negro invasion at all cost. So far their efforts have been fruitless and the articles published is as follows:

"C. of C. Welcome In South Park District"

"We cheerfully agree that the organization of the South Park Division may be the beginning of better conditions, especially business, in our district. We are more than pleased that these men have awakened to a civic duty for South Park. This is one of the things that has impelled the Home Protective League members to work so hard and sacrifice so much to make this district white and keep it white, that we do not build a prosperous commonwealth only to be Usurped by Negroes and other races. Business men as well as property owners are vitally interested because white people will draw the color line on trade, especially refreshment parlors, amusement places, restaurants and all will lose heavily if catering to Negro trade in our district.

"What profit will it be to the white people in this district to have street lights, paved streets through to the harbor, better business storm drains, Chamber of Commerce and what not if the district is to be gobbled up by Negroes?".

This self styled restrictive organization headed by F. C. Finkle Z. Fitzerald and Jerry Kern have endeavored through various methods of intimidation, threats and persuasions to induce Mentis Carrere, a colored shipping clerk who recently bought a home at 721 West 85th street, to move or sell out. Carrere flatly refuses to do either.

Harry E. Grund, a young white man, foreman in the same place where Carrere is employed, heroically took upon himself the job of battering down the opposition to Carrere. He became almost a body guard for Carrere and his family.

Learning of the threatening attitude of the white agitators who it is said were planning to attack Carrere's home, and fearing for his friends safety, Grund to win sympathy for Carrere, got a revolver and fired several shots in front of Carrere's home, one of which went through a mail carriers window across the street. Grund was arrested and confined in jail. Jailed but undaunted, Grund still declares he is ready to champion the Negro's cause in his fight against segregation.

White Friend Makes Gun Play In Segregation

Los Angeles Neighborhood Segregation Movement Brought to Dramatic Climax by Courageous Caucasian

LOS ANGELESA Calif., Aug 13, (Pacific Coast News Bureau)—The bitter relentless fight being waged by a neighborhood group known as the South-west Chamber of Commerce, backed by its publicity sheet "South-Park Bulletin" in their futile efforts to stay the colored realty invasion from their district, was brought to a dramatic climax last week when a white champion of a colored property owner within the district made a play for public sympathy in behalf of his colored friend.

CLOUDS UPON THE HORIZON

In this week's issue of The Pacific Defender there is an article written by a white man who represents himself to be the spokesman for the white residents in the West 85th street neighborhood into which recently moved a member of our Race.

In the issue of June 24th we carried the report of the conditions in that vicinity as given to this office by the attorney for the Black American who stated that his peace had been disturbed and safety threatened.

One of the arguments used by the white residents is to the effect that Black people have the same right as white people to form block agreements against white invasion.

To this we cannot agree for the reason that we would have to concede the white man's right to do these things in violation of the Constitution, at the same time we do not advocate forcing ourselves into neighborhoods where residence would not be compatible. But we do not wish to be denied the right to purchase where our money will buy.

Another statement which we wish to deny is to the effect that there is an organized movement by Black Americans to intrude their presence for the purpose of demanding social equality upon their white brother. If there is a growing belief in the mind of the white man that this is true, he can quickly free himself of that thought.

Too long has the Black Race in America suffered by the one-sided social contact of white men with Black women.

Too long have Black men been forced to stand silently by and accept this deplorable condition.

Too long has the world, by its silence, acquiesced to this unjust situation.

As a result of this unfair state, every act of the Black man in his attempt to better his circumstances is being questioned by the whites.

But this is a new day and a new time and a new teaching and the Black women of this group rallied to the support of their many boys and are standing shoulder to shoulder with their husbands and sons to force by every peaceful and legal means the recognition of our inalienable.

CAL. BARS J-C NEGRO

HAS NO PLACE FOR THE JIM-CROW NEGRO TYPE—INTERDE NOMINATIONAL MINISTERIAL ALLIANCE DEMANDS RESIGNATION OF "UNCLE TOM" SECRETARY

(By Geo. Perry)

Los Angeles, Calif., Dec. 21, 1926.—Never before in the history of the West has the Race been so united in the condemnation of any single act as is now the case in its repudiations and denunciations of the recent actions of a minister allowing himself to be used as the white man's tool in the bitter segregation battle now being waged in California.

Does "Uncle Tom" Act

Dr. Wm. A. Venerable, a minister of Los Angeles, recently as a self-appointed spokesman of his race at a secret meeting of the Fremont Improvement Association, a white organization composed of property owners who are waging a bitter secret propaganda fight to segregate. Venerable, speaking before this white association in part said, "The vast majority of my people believe and feel as I do. Had Almighty God intended that the black, white, red, yellow and other races should live together He would have made just one color and one race.

The Treasonable Speech

"The trouble makers are the 'half-black and half-white' and not the 'real Negro.' It is the class who despise their heritage, they hate the Colored race, they want to be white, and in forcing themselves upon the whites, become the enemies of the whites." He blamed the whites for "coddling" the blacks in order to win their favor and vote, and stated that the white voters must use the club they have, the ballot, to bring about proper race segregation.

Ministers Alliance Denounces Traitor

Denunciations and repudiations of the "Uncle Tom's" statements poured in from every source. The Interdenominational Ministerial Alliance demanding his immediate resignation as Secretary; the United Baptist Ministers denying any recognition of him as their spokesman; stinging editorials from all three Race papers, while from the Progressive Federation of Improvement Associations of California, a Race organization composed of 9 improvement associations of California, representing 2,600 property owners owning $8,470,000 worth of Los Angeles property thru its President Atty. Hugh E. MacBeth, a Harvard graduate comes the following:

"Jim-Crow" Negroes Not Wanted

"California has no place for the Jim Crow Negro. Let him remain where he is. Those of his kind who have come into our borders, shall be ruthlessly fought until they are eradicated.

"The New Negro is waging his final battle with Jim-Crowism in California. From all sections of the Jim-Crow ridden United States we have fled to California. The Pacific Ocean is at our backs. The hordes of Southern whites are pouring into California, seeking to enslave us here as they have done elsewhere. But they are doomed to failure. Our desperation has made us invincible—banning treachery from within.

"We welcome the liberty-loving, self-supporting Negro from every section. California is as much his Paradise-land as she is for others. We bid him come and join our ranks in the great Southwest. But to the hat-in-hand "Jim-Crow Negro" we say, "Stay where you are." Our treatment of this traitor Venerable, is just a foretaste of what waits other possible traitors who may arise in our midst. The fight against American Jim-Crowism is on in California. We, California liberty loving Negroes, expect no quarter from the enemy, white or black, and in turn shall give no quarter.

"We are going to settle once and for all time whether decent hard-working, progressive men and women of all races and colors can peacefully dwell together in common citizenship in the United States."

Hugh E. MacBeth, President Progressive Federation of Improvement Associations of California.

Segregation—1926

California

SMOKE-TALK

When the smoke spirals mounted into the high heavens on the morning of Thursday, January 21, at Pacific Beach, they wrote into the clear sunlit sky of California a story of hate and prejudice that we will hope will not strain the escutcheon of this great commonwealth.

Pacific Defender

Smoke-talks were used by human beings for the purpose of communication long before civilized man developed the modern means of sending his message by wire, airplane and rail. As used by the native African and the American Indian, it was used for the purpose of communicating warnings to their friends and neighbors.

1-24-26

Los Angeles, California

The burning of Pacific Beach, which was no doubt of incendiary origin, and for the purpose of destroying and discouraging the progress of our people, as well as stultifying their ambitions, will have a greater reactionary effect than was probably anticipated by the offenders, for it brings out this TRUTH that the Black American is the victim of a studied and definite program of persecution, which, if carried out and continued, will in a very short time destroy entirely the right of this great country to proclaim itself "THE LAND OF THE FREE AND THE HOME OF THE BRAVE."

The act of the firebug at Pacific Beach is an evidence of the bitterness and hatred of the white man against his black brother.

John Steven McGroarty, writing in the magazine section of the Los Angeles Times for last Sunday, spoke on Races and described the black man of America as one of its greatest citizens, calling the equal of all people and further stating that he had demonstrated his right to this claim in a short period of sixty years, filled with hardships, obstacles and a denial of a fair chance and equal opportunity. He puts the blame on the short-sightedness and narrow-mindedness of the human ken, for which he excuses in the following manner:

"One of the functions of our far-flung synagogue is to keep tab on human progress. We like to trumpet forth the advancing strides of our fellowman toward that great goal which was set for us all when the world began.

"Now and then, we regret to say, it has to be put down in the record that the human race instead of going forward, slipped back a step or two. The dusty annals of the past written on the sands of time, carved on rocks and chiseled in tablets of stone, will tell a story of man somewhere having sometime reached great heights only to fall backward again."

BERKELEY WOMEN AND OAKLAND REALTORS IN CLASH OVER PROPERTY TRANSACTION

BERKELEY, Calif., Mar. 16.—Mrs. Theodore Purnell, president of the newly organized Swastika Club here, and wife of Dr. Purnell, a prominent physician of this city, is leading an attack on what she declares a pernicious policy of Oakland real estate agents, whom she accuses of attempting "to huddle the Race like sardines in South Berkeley."

Pacific Defender

3-19-26

Los Angeles, California

She further declares that the real estate men select an attractive home that may be listed for sale and then eventually, by some hook or crook, sell it to a colored man. He then proceeds to hound the white neighbors to let him have the agency for the sale of his property, using as his argument: "You will not want to live here because you have a colored neighbor."

Mr. Clifford E. Ware, editor of the Oakland Informer and big real estate operator of that city, is bearing the brunt of this persistent attack led by the doctor's wife.

Mass meetings have been called by various groups to deal with this question of segregation which now seems rife in Berkeley and the meeting held by the Swastika Club has created quite a bit of interest and everyone is watching with extreme concern the outcome of the controversy.

The realtors aver that it is merely a "tempest in a teapot," and that that they are only concerned in obtaining for their clients property in localities which they desire.

RACIAL LINES TOUCH HOUSING PROBLEMS

Most Puzzling in California, Investigators Find.

SAN FRANCISCO, June 15.—(AP)—A housing situation described as "acute" has been brought about in California, say welfare workers, by social and racial barriers affecting Chinese and negro poor and to a lesser extent, Japanese.

Commercial Appeal

6-16-26

Memphis, Tenn.

An anti-slum law designed to prevent the creation of congested tenement districts with unsanitary health conditions, and it has been effective to the extent that poorer white people are not pressed together in their dwellings as are those of some large cities. But it does not cope with problems presented because of racial or social distinctions.

Chinatown's Size Unknown.

Nobody seems to know exactly how many inhabitants San Francisco's Chinatown has. Chinese leaders say the colony is badly overcrowded and that their people are prohibited from overflowing into surrounding districts. It is hemmed in either by fashionable residential sections or by wholesale or retail business property, except to the north, where the Italian colony has evidenced no intention of giving way to an expansion of Chinese residential territory.

While some of the wealthier Chinese are scattered over the city, the thousands who are poor live crowded into apartment houses and many of them underground.

The negro situation is not so serious as the city's negro population is small, but they too, declare the welfare agencies, are barred from expansion because of the effect on property values. In Los Angeles, the negro's housing plight is said to be more critical.

Japanese Less Troublesome.

The situation as it affects the Japanese is held to be less troublesome because the distinction is racial and not social. Japanese of the better class are not barred by social dictum from living where they please and among professional and official classes there are many exchanges of social courtesies. Any hostility that may exist between the white residents and Japanese is found by welfare investigators to be basically economical. This can be more easily relieved by extending the industrial field of the Japanese.

BROOKLYN N. Y. EAGLE
JUNE 20, 1926

RACIAL BARRIERS IN HOUSE PROBLEM

Cause Acute Situation in California Cities.

San Francisco, June 19 (AP)—A housing situation described as "acute" has been brought about in California, say welfare workers, by social and racial barriers affecting Chinese and negro poor and to a lesser extent, Japanese.

California has an anti-slum law designed to prevent the creation of congested tenement districts with unsanitary health conditions and it has been effective to the extent that poorer white people are not pressed together in their dwellings as are those of some large cities. But it does not cope with problems presented because of racial or social distinctions.

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N. A. A. C. P. CASE ON SEGREGATION IS TO BE TRIED IN COURT

Pacific Defender

Los Angeles, Calif.

Attorney Clarence A. Jones will address the local N. A. A. C. P. next Sunday afternoon at A. M. E. Zion church. The Long residential segregation case comes up for trial Sept. 14th and Atty. Jones will speak on the legal phases of the case. Come early. Good program.

SPOKESMAN FOR WESTSIDERS BELIEVES RACE SHOULD AIM TO DEVELOP OWN DISTRICTS

Tuesday morning a white man came into the office of the Pacific Defender and said that he wished to subscribe for this paper. He paid for his subscription and submitted the following letter in answer to the story published in the columns of this paper, the issue of June 24, now famous as the "Carrere Case":

Los Angeles, Calif.,
July 4, 1926.

Editor Pacific Defender:

Dear Sir: My attention has been called to an article in the June 24 issue of your paper in which appears the story of Mr. Mentis Carrere and the painful situation in which he finds himself placed.

On the surface of things it would seem that Mr. Carrere is being persecuted because of his Negro blood. There is, however, another angle to this and similar instances which our colored friends should be fully as anxious to realize and consider as we are. Nothing endures but TRUTH, and this can only be had by placing ALL the cards on the table.

The circumstances surrounding this gentleman's coming into the district are, as nearly as I can learn, as follows: The subdivision which includes the property in question is a comparatively new one, having been put on the market within the last five or six years. At that time it carried race restrictions which were believed by lot buyers to be full and binding. With this understanding, their labor and hard earnings were spent in the upbuilding of their homes and improvements. Being of earlier origin, though, these restrictions lapsed without the attention of the owners being directed to it. Accordingly, these people, like the average American citizen, were ignorant concerning the technicalities involved in these their real estate holdings.

The fact that Mr. Carrere, in making the purchase, acted "upon the advice of his attorney" would make it appear that he did so with his eyes open to the facts. Is it any wonder then that these home owners feel that they have been taken an unfair advantage of while caught in an unguarded moment. Personally, I do not think for a moment that the typical, honest, hardworking, industrious Negro would think of taking such advantage. From what I have learned I do not believe Mr. Carrere thought he was doing that, either. Now that the situation is clear, all that the community asks is that he list the property in question with the Southwest Realty Board at its appraised value or the amount of his investment in it. If not this, then to conform to the restrictions of the surrounding property.

It is all well to theorize about our personal and constitutional rights, but the FACT stands out bold and plain that our home values, whether in matters of sale or rent, are largely determined by certain ideas regarding the type of citizens residing in the community. This may be right or it may be wrong, but it is a fact nevertheless, and we all admit it.

Now to parallel the distressing situation of Mr. Carrere—which we admit is very real—we will cite the case of his next-door neighbor, Mr. Andrews. Mr. and Mrs. Andrews have a child who is suffering from asthma and the doctor's advice is that they move to some section of less fog. To do this the Andrews people will have to sell their place. Buyers have come who were suited with the location and price, but, upon learning that the community was not wholly white, have refused to purchase. We have all heard the old saying, "It makes a difference whose ox is being gored." Now this is a serious situation—for the Andrews family. Furthermore, this illustrates how all property values have been depreciated throughout the entire district.

But why all this fuss about some particular place to live? We are all living in the same glorious Southern California. The same sun shines on one side of the city as on the other. The same mountains and ocean beaches are accessible over the same wonderful boulevards, whether our faces are black or white. The colored man can build just as attractive and comfortable a home as the white man can. To do this he has the intelligence and genius in every way. Certain sections are conceded to be, logically, the home owning districts of the colored people. There is, undoubtedly, plenty of unoccupied land which can be procured for the purpose of developing more colored residence districts. According to decisions of the Supreme Courts of both State and Nation, these districts can be restricted by the colored people against the occupancy of whites who wish to "horn in" for some selfish purpose. It does seem an insult to the colored people generally to have members of their own race take the ground that the only way they can acquire culture is to inject themselves unwanted into white neighborhoods. A Negro should be as proud that his face is black as a white man is that his is white. He gets it by a law of Nature, and all of Nature's laws are equal. He will be, too, when he succeeds in developing a civilization along the lines and in accordance with Negro psychology.

On the other hand, any concerted attempt by any element of the colored people to invade white districts already established and use their God-given color to depreciate values in order to procure cheap homes is fundamentally dishonest. It is a form of burglary. The better element of the colored people must work hand in hand with us to discourage any such attempt. Remember, "When thou sawest a thief thou consentest with him." It is rapidly becoming a popular belief in the minds of the white people of America that a campaign to do this very thing is now on by a Negro element. We hope and trust it is not true. Any attempt to carry out such a program can result in but one thing—enforced segregation of both races. In the nature of things the severity of this will inflict hardship upon the great bulk of the Negro people of which they are not deserving. We beg of you not to precipitate it. When the inertia, which is characteristic of the American mind, is once transformed into momentum, no one can safely gamble on where it will stop.

Let us mutually agree not to invade each other's rights any more than we can help—not to take, one from the other, that to which our rights may be questioned. "We are all children in the Kindergarten of God." Let us be friends.

J. W. STIRTON.

WHITES ASK FOR FAIR PLAY

N.A.A.C.P. FREES RACE WOMAN

On the 6th of July, in the Justice's Court of Gardena, a Race woman, Mrs. Evangeline Kenner, was sentenced to thirty days in jail for assault and battery. She was even denied the option of paying a fine by the southern justice of the peace who handled the case.

Mrs. Kenner, with her husband and five minor children, own the property and reside at 1325 W. 92nd Street.

Roy Pickering, a white boy of 13, while riding a bicycle on the sidewalk, knocked down and ran over the four-year-old daughter of Mrs. Kenner. Harold Kenner, the 12-year-old brother of the little girl took up the matter and the two boys had a fight. The mother of the boy rushed out to help her son beat up the Race boy; whereupon Mrs. Kenner came out and shook her fist in the face of Mrs. Pickering although she stated that she did not strike her. For this Mrs. Kenner was arrested, as above stated.

As soon as the affair was reported to the N. A. A. C. P., Attorney Bert McDonald was selected to secure a parole for Mrs. Kenner. He accordingly filed an application for her parole, and, at the meeting of the Board, J. S. Crandall, the justice who imposed the sentence, was asked why he did not give the lady a fine for such a trivial affair. He replied that he wanted to force her out of the neighborhood, and that she had no business to interfere with Mrs. Pickering, who was "chastising" the Race boy. He also stated that the neighbors, especially this Mrs. Pickering, wanted the Kenners to give up their property and move away. Attorney McDonald eloquently addressed the Parole Board and a decision was soon rendered in his favor, restoring Mrs. Kenner to her family.

This is just another instance where the N. A. A. C. P. has quickly and loyally come to the rescue of one of our people who has been made to suffer through the jealousy and racial hatred of some narrow-minded whites.

Segregation - 1926

Colorado

Eve. NEWS
DENVER, COLO.

DEC 1 0 1926

NEGRO FAMILY HOME BOMBED

Explosion Laid to Neighbors Who Object to New Arrivals.

A bomb, or a charge of dynamite, exploded shortly after 2 a. m. Friday on the front porch of the home of E. E. Carrington, Negro, at 2253 Vine street, wrecked the porch and front windows, almost knocked the occupants from their beds and awakened residents within an area of one-half mile.

Police are convinced, they say, that the charge was fired by neighbors who object to the moving of the Carringer family into the neighborhood, which until Dec. 2 had no Negro residents.

Carringer, who is supreme auditor of the American Woodmen, a Negro insurance and fraternal organization, with offices in the Arapahoe building, recently purchased the house and moved into it on Dec. 2, he told police.

He was assured by the owner, Mrs. Anna Ferguson, that there was no ill feeling toward a Negro tenant.

Carringer told police that he has had no trouble with the neighbors.

Upon hearing the blast, he said, he rushed to the front door and then called Capitol hill station. They in turn notified central headquarters and Detectives George Eade and James O'Donnell were sent out.

They found that the charge had evidently been laid on the floor of the glass-inclosed porch and fired.

The explosion also knocked the mail box open. A posted letter in the box read:

"Nigger tenant, 2253 Vine street: You have come into a district where you are not wanted. You have ruined property. Get out and stay out or take the consequences.

"They will be severe and merciless

"THE COMMITTEE,

"That means business."

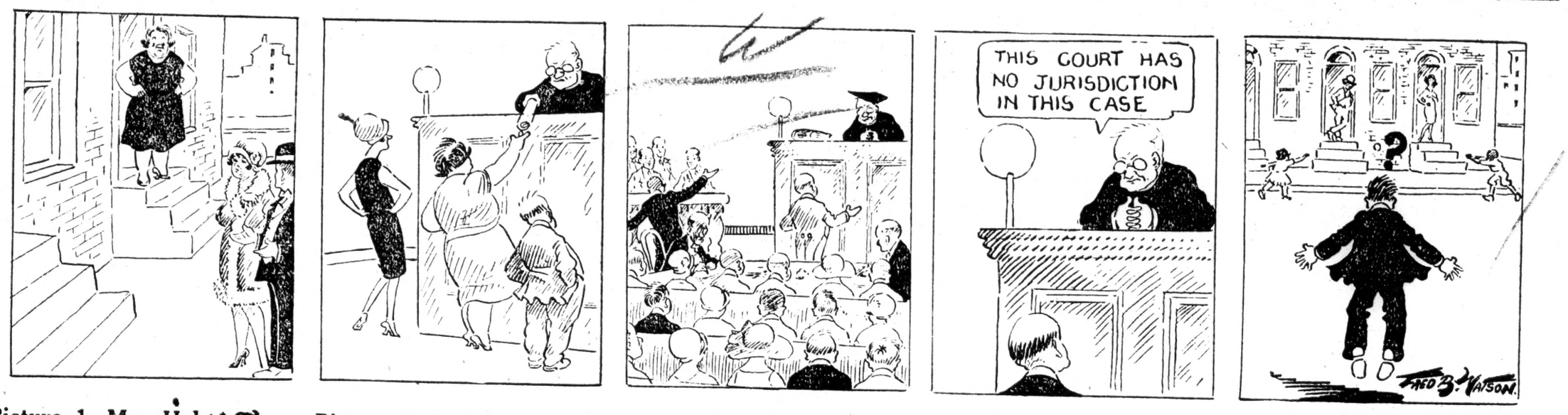
POLICE GUARD HOME OF NEGRO FROM BOMBERS

DENVER, Colo., Dec. 22 — The bombing of the newly purchased home of Mr. E. E. Carrington, Supreme Auditor of the American Woodmen and former Chicago preacher, was blamed upon white dwellers of the neighborhood who object to the presence of colored citizens. Mr. Carrington, however, refuses to move from his home and is now living there while police keep guard. Efforts to apprehend any of the persons responsible for the bombing proved futile.

Segregation - 1926

D.C.

While Courts Deliberate White Blocks Change Color



Picture 1. Mrs. Helen Curtis, prominent D. C. woman, decided in 1922 to purchase property at 1725 S street, N. W., owned by Mrs. Irene H. Corrigan and in a block occupied by whites.

Picture 2. Led by John S. Buckley, white residents obtain injunction restraining Mrs. Curtis from occupying premises because they had all written agreements not to sell to colored folk.

Picture 3. The N. A. A. C. P. champions fight against legalized segregation by agreement and employs eminent counsel who argue question before Supreme Court of United States.

Picture 4. On Tuesday, May 25, Supreme Court hands down decision that it has no jurisdiction, continuing injunction granted by D. C. Supreme Court.

Picture 5. In the meantime the entire block has been taken over by Colored residents whose legal right to occupy their homes is yet to be finally settled.

CONTRACT RIGHTS UPHELD

SUPREME COURT TAKES ACTION, ENDS LITIGATION

Washington, D. C. May 25 (Special)—"Restriction in a residential district by a mutual contract between property owners is legal under the constitution," said the supreme court here this week in effect, when it held that the contracting parties were bound each to live up to the terms of the contract. This decision was made in dismissing a test case brought before the supreme court from the lower courts of the District of Columbia.

It had been warmly contested and had been before the courts for several terms, but the decision was justly reached this week. Much attention was directed to the case and much interest centered in it because of the warm fight that was made on it from time to time.

The case involved the sale of a piece of property to Mrs. Helen Curtis, a member of the race, by Irene Hand Carrigan. John J. Buckley, a property owner, obtained an injunction in the lower court forbidding the transfer of the property. Mrs. Curtis appealed on the grounds that her constitutional rights were infringed upon, but the supreme court dismissed her appeal. The decision was rendered by Justice Sanford, former judge of the federal court from Tennessee.

It is not held here that this decision of the supreme court and this action in dismissing the case has anything whatever to do in confirming restricted areas where the city makes local laws prohibiting members of the race from purchasing property in any portion of the city. It seems that the case was built up and pushed by those who secured an injunction merely on the grounds that the contract should be lived up to, and that the contracting parties who formerly sold the property agreed that certain stipulations should not be violated.

HIGHEST COURT SUSTAINS PACT MADE BY WHITES

Right To Restrict Sale Of Property To Negroes Is Upheld By Decision

U. S. SUPREME COURT SHUNS JURISDICTION

Says Case Involves No Constitutional Question In Meaning Of The Code

Washington, D. C.—The United States Supreme Court has refused to assume jurisdiction in the case brought by Mrs. Helen Curtis and Mrs. Irene Hand Corrigan, a white woman, involving the right of a Negro to purchase a residence in an area where the white property owners have entered into a covenant not to sell to Negroes.

In 1921 white residents of a block on S street, northwest, including Mrs. Corrigan, executed an indenture agreeing that no part of certain tracts which they owned should be sold, leased or given to a Negro, the contract to hold good for twenty-one years. In 1922, Mrs. Corrigan entered into an agreement to sell a [illegible] to Mrs. Curtis.

Whites Seek Injunction

John J. Buckley, one of the white owners, then sued in equity in the Supreme Court of the District to enjoin Mrs. Corrigan from conveying the property to Mrs. Curtis. The lower courts of the District, the Supreme Court and the Court of Appeals, granted the injunction asked for by Buckley, and Mrs. Curtis and Mrs. Corrigan appealed to the United States Supreme Court.

It is this appeal which has been rejected by the highest court, which sustains the verdicts given in the lower courts.

Mrs. Corrigan, in the lower court, moved to dismiss the bill on the ground that the indenture was void. Mrs. Curtis also moved to dismiss, holding the covenant void in violation of the constitution.

The Superme Court said: "Under the pleadings in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant which is the basis of the bill is void in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth Amendments. This contention is entirely lacking in substance or color of merit."

Constitution Not Involved

"It is obvious that none of these amendments prohibiting private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void.

And plainly, the claim, urged in this court, that they were to be looked to in connection with the provisions of the policy does not involve a constitutional question within the meaning of the code provision."

The defendant, Mrs. Curtis argued that section 1977-8-9 of the Revised Statutes forbade such an indenture. The Supreme Court said these statutes "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."

The court also rejected the contention that the decrees of the courts below in themselves deprive the defendants of their liberty and property without due process of law in violation of the fifth and fifteenth amendments.

"The defendants were given a full hearing in both courts," say the Supreme Court. "They were not denied any constitutional or statutory right, and there is no semblance of ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of mere spoliation."

LOCAL LAWYERS PASS ON "JIM CROW" CASE

The decision of the United States supreme court in turning down the appeal of the famous Curtis segregation case in Washington, D. C., has aroused no little interest in Chicago legal circles. Prominent local attorneys have expressed themselves on the findings of the court and several are presenting interesting points of view to Defender readers.

Attorney Warren B. Douglas, a member of the 54th general assembly of the state of Illinois, commenting on the case, had the following to say:

"The supreme court has demonstrated its tendency to adhere to public sentiment instead of adhering to the simple principles of justice.

"We should get a rehearing and put the question of the inalienable right of liberty up to the supreme court in such a way that they will not have to dodge it."

Attorney S. A. T. Watkins of the Dennison, Akins & White law firm says that the decision would serve to clarify the situation and give new hope and courage to contest and preserve our rights under the law.

State Representative Shaderick B. Turner feels that the supreme court did have jurisdiction in the case, but merely dodged the issue. "It appears to me that the court catered to prejudice rather than justice."

Attorney William H. Temple of the Brown, Temple & Harewood law firm says that the opinion is in perfect accord with the cases referred to by the court and is sound.

"The decision to me is sound in logic and in law," says Attorney Sydney P. Brown of the Brown, Temple & Harewood law firm.

WASHINGTON IGNORES HIGH COURT RULING

Citizens Continuing to Take Over Homes

Washington, D. C., June 18.—No effort will be made to oust any of the persons of our Race now living in the block in S St. between New Hampshire Ave. and 18th St. N. W. Property in this block is affected by the [illegible] which was the subject of litigation in the Curtis case.

This covenant runs with the land and binds the [illegible] heirs and assigns for a period of 21 years not to permit the property affected by the agreement to be sold to, leased or occupied by our people. The court of appeals of the District of Columbia held such a covenant is enforcable not only against our Race but between the parties to the agreement. The supreme court of the United States has refused to review this case on the ground that it lacked jurisdiction.

Complexion Changes

While the suit was pending in the courts the complexion of this block changed. John J. Buckley, who brought legal action against Mrs. Irene Hand Corrigan to prevent her from selling her property to Mrs. Helen Curtis, has sold his property. James Easby-Smith, the attorney who represented Mr. Buckley, has also sold his property to members of our Race. Today there are but two or three original signers of this covenant living in this block.

Among those who have moved into this block are Emmett J. Scott, Frank Bacchus, Armstead T. Pride, Wm. B. Dulaney, Arthur G. Froe, Mrs. Viola Scott, Norman D. Murray, Dr. Wm. J. Howard, Augustin W. Gray, George E. C. Hayes, Dr. Norman W. Harris, Bishop E. W. D. Jones, Francis J. Gregory and William L. Houston.

Suit Still Pending

A suit for an injunction is still pending against Dr. Scott, who moved into the property at 1711 S St. N. W., on the night before a hearing was had on a motion for a temporary injunction to prevent him from buying and moving into this property. A suit was filed against William L. Houston, but it was dismissed by the persons who brought it.

"The Curtis Case," says James A. Cobb, who was the attorney for Mrs. Helen Curtis, "was simply a test case. The courts have universally held with respect to covenants affecting dwellings or business property that where the character of the block changes the covenant affecting it becomes of no force. It is not contemplated that Colored property owners in that block will be disturbed."

By GEORGE S. SCHUYLER

IN commenting editorially on the recent decision of the Supreme Court in the Washington segregation case, the Christian Science Monitor informs its intelligent readers that "while the decision may seem to place a restriction upon what was assumed to be a right of the members of the Negro race in this particular instance, it actually assures to them a privilege equal to that which seems to be reserved to the whites. In fact, they are permitted, by the same method, to restrict their own neighborhoods and to compel, if they choose, that segregation which the right implies." This, I opine, with all due respect to our able contemporary in the Bean City, is clotted nonsense.

—o—

THE majority of Negroes are working people, and hence, poor people. They are the lowest paid and longest worked; the last to be hired and the first to be fired; the economic mudsill of America. In the cities where they are now flocking in accordance with the national trend, they must needs ever require more and more territory. How are they to get this territory if the law upholds groups of whites who agree not to sell or rent to Negroes? Again, being the longest worked and the lowest paid, the majority of them can neither buy new homes in the suburbs nor live too far from their work. Of course, one way out is the building of less churches and fraternal office buildings and the erection of modern apartments of two and three rooms. But of course that would be progressive!

—o—

AN argument like that of the Christian Science Monitor assumes that the two groups are equal in wealth, opportunity and the desire for residential expansion. The contrary is obvious to anyone above the intelligence of a Christian Scientist. It reminds one of the comment of Anatole France on the law in his "The Majesty of Justice": "The law forbids rich and poor alike to sleep under bridges."

CURTIS CASE DISMISSED BY U. S. SUPREME COURT; DIRECT ISSUE EVADED

Court Holds Constitutional Question is Not Involved

The United States Supreme Court last Monday dismissed the Curtis case, which involved the legality of an agreement among a number of property holders not to sell, lease or rent their property to colored persons.

The court held that there was no constitutional question involved, and therefore, that it lacked jurisdiction.

The effect of this decision is to leave in force an injunction, issued by the Supreme Court of the District of Columbia, restraining Mrs. Irene Hand Corrigan from selling and Mrs. Helen Curtis from buying the premises at No. 1727 S Street, Northwest.

Suit for an injunction was brought by John J. Buckley. He claimed that Mrs. Corrigan was one of thirty persons who had entered into a covenant June 1, 1921, running with the land, providing that no part of their property should ever be used or occupied by, or sold, leased or given to any person of the Negro race or blood for a period of 21 years.

On September 26, 1922, Mrs. Corrigan entered into a contract to sell her property to Mrs. Curtis. Mr. Buckley applied to the District Supreme Court for an injunction. Mrs. Corrigan and Mrs. Curtis filed motions to dismiss his bill on the grounds that the covenant was unconstitutional and contrary to public policy. Their motions to dismiss were overruled. The defendants elected to stand on their motions, and a final decree was entered enjoining the sale. The decision of the District Supreme Court was affirmed on appeal by the Court of Appeals of the District of Columbia.

Mrs. Corrigan and Mrs. Curtis then appealed to the United States Supreme Court on the ground that a review was authorized in that the case involved the construction or application of the Constitution and certain statutes of the United States. This appeal was allowed in June, 1924. The case was argued in the Supreme Court on January 8, 1926.

The opinion of the court, rendered by Justice Sanford, is as follows:

"The mere assertion that the case is one involving the construction or application of the Constitution, and in which the construction of Federal laws is drawn in question, does not, however, authorize this Court to entertain an appeal; and it is our duty to decline jurisdiction if the record does not present such a constitutional or statutory question substantial in character and properly raised below. Sugarman v. U.S., 249 U.S. 182, 184; Zuchht v. King, 260 U.S. 174, 176. And under well settled rules, jurisdiction is wanting if such questions are so unsubstantial as to be plainly without color of merit and frivolous. Wilson v. North Carolina, 169 U.S. 586, 595; Delmar Jockey Club v. Missouri, 210 U.S. 324, 335; Bindercup v. Pathe Exchange, 263 U.S. 291, 305; Moore v. New York Cotton Exchange, No. 200, decided April 12, 1926.

"Under the pleadings in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant, which in the basis of the bill, is 'void' in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth Amendments. This contention is entirely lacking in substance or color of merit. The fifth Amendment 'is a limitation only upon the powers of the General Government,' Talton v. Mayes, 163 U.S. 376, 382, and is not directed against the action of individuals. The Thirteenth Amendment denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another, does not in other matters protect the individual rights of persons of the Negro race. Hodges v. U.S., 203 U.S. 1, 16, 18. And the prohibitions of the Fourteenth Amendment 'have reference to state action exclusively, and not to any action of private individuals.' Virginia v. Rives, 100 U.S. 313, 318; U.S. v. Harris, 106 U.S. 629, 639. 'It is state action of particular kind that is prohibited. Individual invasion of individual rights is not the subject-matter of the Amendment.' Civil Rights Cases, 109 U.S. 3, 11. It is obvious that none of the amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own prop-

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erty; and there is no color for the contention that they rendered the indenture void. And, plainly, the claim urged in this Court that they were to be looked to, in connection with the provisions of the Revised Statutes and the decisions of the courts, in determining the contention, earnestly pressed, that the indenture is void as being 'against public policy,' does not involve a constitutional question within the meaning of the code or statute.

"The claim that the defendants drew in question the 'construction' of Sections 1977, 1978 and 1979 of the Revised Statutes, is equally unsubstantial. The only question raised as to these statutes under the pleadings was the assertion in the motion interposed by the defendant Curtis, that the indenture is void in that it is forbidden by the laws enacted in aid of and under the sanction of the Thirteenth and Fourteenth Amendments. Assuming that this contention drew in question the 'construction' of these statutes, as distinguished from their application, it is obvious, upon their face, that while they provided, inter alia, that all persons and citizens shall have equal right with white citizens to make contracts and acquire property, they, like the constitutional amendment under whose sanction they were enacted, do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their property. There is no color for the contention that they rendered the indenture void; nor was it claimed in this Court that they had, in and of themselves, any such effect.

"We therefore conclude that no constitutional nor statutory question relied on as grounds for the appeal to the court have any substantial quality or color of merit, or afford any jurisdictional basis for the appeal.

"And while it was further urged in this court that the decrees of the courts below in themselves deprived the defendants of their liberty and property without due process of law, in violation of the Fifth and Fourteenth Amendments, this contention likewise cannot serve as a jurisdictional basis for the appeal. Assuming that such a contention, if of a substantial character, might have constituted ground for an appeal under paragraph 3 of the code provision, it was not raised by the petition for the appeal or by any assignment of error, either in the Court of Appeals or in this Court; and it likewise is lacking in substance. The defendants were given a full hearing in both courts; they were not denied any constitutional or statutory right, and there is no semblance of ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of mere spoliation. Delmar Jockey Club v. Missouri, supra, 335. Mere error, if any there be, in a judgment entered after a full hearing, does not constitute a denial of due process of law. Central Land Company v. Laidley, 159 U.S. 103, 112; Jones v. Buffalo Creek Coal Co., 245 U.S. 328, 329.

"It results that, in the absence of any substantial constitutional or statutory question giving us jurisdiction of this appeal under the provisions of section 250 of the Judicial Code, we cannot determine upon the merits of the contentions earnestly pressed by the defendants in this Court that the indenture is not only void because contrary to public policy, but is also of such a discriminatory character that a court of equity will not lend its aid by enforcing the specific performance of the covenant. These are questions involving a consideration of rules not expressed in any constitutional or statutory provision, but claimed to be a part of the common or general law in force in the District of Columbia; and, plainly, they may not be reviewed under this appeal unless jurisdiction of the case is otherwise acquired.

"Hence, without a consideration of these questions, the appeal must be and is, dismissed for want of jurisdiction."

THE CURTIS CASE

The decision of the Supreme Court of the United States in the Curtis case serves again to show that there are wrongs for which the law—that is the mere words of the law—furnishes no assured remedy. It serves also to emphasize the fact that, contrary to what many people seem to think, the operation of the law is not comparable to the invariable, automatic, impersonal functioning of a correctly designed machine. Nor are the results of its operation infinitely predictable as are the operations of the "laws" of Nature, so far as we know them.

Into the construction and into the application of the law, the human element enters. Not even the Supreme Court judges—not to mention judges of the lesser courts—are or can be wholly free from personal bias or prejudice if you please. That fact must be taken into consideration when preparing to take a case into court and we must allow for it when expecting a decision.

Applying these ideas to the case in question, what do we observe in the Curtis case? From the layman's point of view it seems to boil down to this. The court held that it was not evident on its face, or that it did not seem evident to them on its face, that such an agreement as the one in question was against public policy or that it was in contravention of the Constitution or any amendment to it. The first matter, the court held, was a question of fact that must be proved by convincing evidence, or reasoning. Morever, they held that it was not the higher court that must pass upon that question of fact, but the lower one; and, further, that even though the lower court may have erred in deciding the question of fact, the higher court was not competent to reverse that decision nor to reopen the question unless there was plainly and palpably some denial of a constitutional right in the conduct of the trial below; or that the law governing the case, or some construction of the law, was plainly and palpably opposed to constitutional inhibitions.

As for other Constitutional phases, the decision merely reiterated what has been repeatedly decided before, that the various amendments which were invoked as protection against such discriminations as the covenant in question, are not applicable to dealings between or among individual persons, but these amendments are inhibitions upon actions by the States or by Congress.

What then is our remedy? Plainly, our remedy is civic and political. We must create enough favorable sentiment, or form such political alliances or alignments, that we can, by the help of this sentiment or these alliances, put on the bench—the lower benches, particularly—persons who can be convinced by the evidence and the reasoning that we may be able to present, that these oppressive and humiliating practices are inherently unjust and therefore "against public policy."

Grant if you will that the court decided against us on a technicality. It would probably have been just as easy, had they been so disposed or had public opinion so disposed them, to have found reasons or technicalities on which to have founded a favorable decision. And this assertion is no reflection on their honesty or integrity. It is merely a recognition of their humanness.

Only Three White Families Remain In Block Made Famous By Curtis Segregation Case

By HARRY B. WEBBER, Special Correspondent

WASHINGTON, D. C., June 3.—The fashionable block of S. street in the northwest section of this city, about which has centered countrywide interest because of the now famous Curtis segregation case, concerning which the United States Supreme Court handed down a ruling last week, offers to the visitor there today an eloquent example of the losing fight that has been made in more cities than this by white residents and property owners to prevent Negroes from occupying decent and liveable houses. I spent two days as a guest of a lawyer, one of those active in the case, who lives opposite the now well-known number of 1727, thereby securing an excellent opportunity to survey the block and note the changes which have occurred there since 1921.

The house under contention, owned by Irene Corrigan stands vacant now with a "To Let" sign nailed to its front. It has been vacant for some time for obvious reasons. Negroes inhabit the house on one side and the apartment on the other side of the house, as well as nearly every other house within its immediate view. An injunction issued by the district courts prevents the owner from selling or renting the place to a Negro. No white person wants it, and even if it could be sold to a race buyer the owners asking price is now considered too high. Mrs. Curtis has been out of the market, naturally, for some little time as far as this particular house is concerned.

But the aspect of the street which strikes the observer today is the seemingly strange fact that only three white families are at present residents of the block, which is just around the corner from the palatial residents of Washington's white aristocracy. Another strange fact is that for years before the case was brought up a row of two story bricks near one end of the block were inhabited by Negroes without the least trouble. It was only when a family of Negroes moved into one of the imposing stone houses on the street that a great complaint was made. It seems an anomaly that, notwithstanding the agreement among the white property owners there, that nearly all the signers of that agreement have sold to Negroes and moved elsewhere. How could they get around this contract not to sell.

A very simple method was used. It consisted, in the white owners selling to an intermediary white person from whom no one could secure anything if he sued the said intermediary, usually a poor person who owned little property or money. No one would be tempted to sue this intermediary for simply a judgement and no damages, so no one did. The intermediary of course resold the property to the Negro who was interested in purchasing it. This was done on a wholesale scale, once it was started. The three remaining properties, including 1727, still owned by whites, are not yet sold simply because of the injunction in one case and the inability to secure the asking price in the others.

When the United States Supreme Court ruled last week that the 5th, 14th, and 15th Amendments to the United States Constitiution had no application in this case, the decision of the Court of Appeals was made automatically the final decision. This means that Mrs. Curtis and Irene Corrigan, co-defendants have lost and that the property under discussion cannot be legally sold to a Negro for 21 years since the signing of the agreement among reformers but is proving of wonderful

Colored acts are coming in for can work in "one" are specially f houses have sufficient room in fro singing and dancing tabs to do the recently built houses where the scr

basis as a regular drop. These l
and, as might be expected, involve
and attendance is sufficient to mak

The result of this growing pr
always carried a fine following. W
this class of entertainment does not
at all have developed a taste for it
the white owners. There is no
further appeal in this particular
case. When news of the ruling was
published last week, there was a
general feeling among Negroes the
country over that it meant a serious
set-back to the property owning
privileges of the Negro everywhere.
But this feeling is not necessarily
justified; James Weldon Johnson
made a statement last week that
the fight had just begun. Such a
continuance is possible, but not in
reference to this particular case.
Another suit can be brought upon
other grounds with a possibility of
securing a decision favorable to
Negroes.

On the whole it seems that one
of the most important facts in the
outcome of the case is that Negroes
owning property actually or poten-
tially valuable, or good, residence
property, can, if they see fit, pre-
vent white businesses from buying
and spoiling a residential section
or prevent races of lower standard
from adding a touch of the Ghetto
to an otherwise excellent Negro
block. And it is also well to keep
in mind the further fact, that in
this particular case only three
white families remain in a block
which a score of angered whites de-
clared would remain white for
twenty-one years. There is some
material for the sociologists in that
development.

MAY 25 1926

REFUSE TO ALLOW NEGROES TO PURCHASE PROPERTY IN WHITE RESIDENT SECTION

WASHINGTON, D. C., May 24.—(AP).—The Supreme Court today refused to interfere with the practice of white communities in agreeing to bar negroes from buying their property.

In acting on a case where the owners of a fashionable Washington street had determined among themselves never to permit a negro to occupy, use, lease or purchase any of their property, the court, in an opinion read by Justice Sanford, declined to pass on the validity of such arrangements on the ground that the controversy presented no question within its jurisdiction. It dismissed the case, leaving in force a decision of the lower court here which held that such agreements are constitutional and valid.

JUN 9 1926

In Behalf of the Negro

Anent the decision of the supreme court in affirming a decree of the lower court of the District of Columbia holding as constitutional the right of white communities to enter into an agreement to bar the sale of their property to Negroes, the Norfolk *Ledger-Dispatch*, offers a timely suggestion as a solution of this problem, which is no longer sectional, but is now national, in its scope. The *Ledger-Dispatch* says:

"Since it has been determined, even in cities like Washington, that it is better for the whites to inhabit one section and the Negroes another, the responsibility rests on the city authorities to improve the living conditions of the areas devoted under such tacit zoning regulations to Negroes. *As the colored race advances it is entitled to better homes, to better streets, to provisions for parks and for other attractions in keeping with their numbers and the taxes they pay, either as owners or renters.* Large areas in Norfolk have been developed for new homes for white people. If Norfolk would develop one or more such areas for desirable, healthful and attractive homes for the better class of colored people there would be less excuse for the desire of some of them to push into sections now occupied by whites."

The suggestion of the *Ledger-Dispatch* is good and if adopted it would result most beneficially, not only to the Negroes, but to the entire community in which they reside. The influence of such a work would extend beyond the confines of the restricted district. It would mean better living conditions, improved sanitation and less sickness that is liable to spread from improperly kept districts into those where conditions are better.

As a matter of selfish protection, if for no other reason, city authorities should give greater attention to this matter than has been given it in the past. But there is another reason that should at once command the attention of the authorities, and it is that the Negro is a citizen of the nation and that he is entitled under our laws to the same protection against bad living conditions as that to which others are entitled. The framers of the law and of the ordinances and regulations of cities make no distinction as to race, color or previous condition of servitude, and neither should those to whom is committed the matter of administering these ordinances, but every citizen, no matter what his race or his creed or his politics may be should have equal rights with every other citizen, and if any of his rights are withheld from him he is not given a square deal.

It is probable that not one Negro in a hundred would care to live in a section of our cities and towns inhabited altogether by whites. He would feel his isolation so keenly he would soon seek other quarters. The Negro has long since learned that it is useless for him to hope for anything like social equality with the white race, and does not, in fact, desire it. Even birds of a feather flock together, so do the races of the earth. It is one of the laws of Nature, and it is rarely violated without being attended by results which are usually unpleasant and sometimes disastrous to both.

The Negro is entitled to such improved living conditions as he may desire; indeed, if his desire does not reach out far enough in this direction, then as a matter of protection for others he should be forced to accept better conditions. There is more in the suggestion than the mere protection and comfort of the Negro himself, although these considerations should be great enough to induce those in authority to take such steps as are proper and necessary in his behalf. An entire city may suffer on account of inattention in this respect.

The Negro should have justice; he is entitled to it. And it is the duty of the white people everywhere to give him his due. They make the laws and they administer them. The Negro is not consulted when it comes to the one or the other.

Sounding the Right Note

In discussing the action of the United States Supreme Court in upholding a decree of a lower court of the District of Columbia holding as constitutional the right of white communities to enter into an agreement to bar the sale of their property to Negroes, the *Norfolk Ledger-Dispatch* made a sane and sound approach to a just solution of a very difficult problem which is no longer sectional, but national in scope, when it said:

"Since it has been determined, even in cities like Washington, that is is better for the whites to inhabit one section and the Negroes another, the responsibility rests on the city authorities to improve the living conditions of the areas devoted under such tacit zoning regulations to Negroes. As the colored race advances it is entitled to better homes, to better streets, to provisions for parks and for other attractions in keeping with their numbers and the taxes they pay, either as owners or renters. Large areas in Norfolk have been developed for new homes for white people. If Norfolk would develop one or more such areas for desirable, health ful and attractive homes for the better class of colored people there would be less excuse for the desire of some of them to push into sections now occupied by whites."

There are many good lawyers who hold that the Washington litigants did not carry their case to the Supreme Court in proper form and that there are still possibilities of getting a decree from the court that will be as binding against this form of racial segregation in property holding as is the decree in the Louisville case. It is true that the famous "grandfather" disfranchising clause was carried to the Supreme Court several times before that tribunal finally decreed its unconstitutionality. Without regard to this phase of the matter, however, the most permanent and satisfactory solution of the problem lies in the way pointed out by the *Ledger-Dispatch*.

The Negro's side of this question of "pushing" into white districts has never been truthfully set forth by those who would restrict the race to the ghettos in which we are forced by tradition to live. Many white people interpret our desire to move out of mud, insanitary houses and otherwise undesirable environments in terms of a desire to mingle with their race. Where Negroes get paved streets, proper building restrictions, adequate sanitary conditions and police and fire protection with transportation facilities there is no desire to move anywhere. But where can Negroes find these living conditions except in a white district? The municipality has a very definite responsibility in the solution of the problem and a very big opportunity to make for racial peace and amity if the course laid down by the *Ledger-Dispatch* is followed.

Use Supreme Court Decision to Advertise Segregated District

NEW YORK, June 17.—The National Association for the Advancement of Colored People has received a copy of an advertisement inserted in the Washington, D. C., Star, advertising homes for sale in a "restricted" residental district and citing the Supreme Court Decision lately rendered in the case fought by the N. A. A. C. P.

ATTENTION
WHITE HOME BUYERS!
The Largest Restricted White
Community in Washington
Invites Your Attention
To The Decision Of
The U. S. Supreme Court
That Negroes Cannot Buy
In a Restricted White Section

The consensus of opinion among N. A. A. C. P. attorneys is that the Supreme Court failed to pass on the issue of white property owners' segregation and that another case can probably be found which will present the issue to the Supreme Court in such a way that a more definite decision will be reached.

Segregation - 1926

D.C.

"JIM CROW" property laws, passed by state legislatures or city councils have been declared unconstitutional by the United States Supreme Court, but the same court by a recent decision implies that race segregation may be legally accomplished by contract. The case is Corrigan vs. Buckley in the District of Columbia. Mrs. Corrigan, Mr. Buckley and twenty-eight other white persons owning dwellings on the same street executed a covenant in 1921, mutually agreeing that no part of such properties "should ever be used or occupied by or sold, leased, or given to any person of the Negro race or blood." The next year Mrs. Corrigan contracted to sell a dwelling to Mrs. Curtis, a Negro. Buckley obtained an injunction prohibiting Mrs. Corrigan and Mrs. Curtis from completing the transaction. The case was appealed to the Supreme Court on the grounds that it involved "the construction or application of the Constitution," the fifth, thirteenth and fourteenth amendments and that the injunction was void under federal statutes enacted "in aid and under the sanction of the thirteenth and fourteenth amendments." The Supreme Court dismissed the appeal for want of jurisdiction, holding that the constitutional provisions invoked were not applicable. The Commission on the Church and Race Relations of the Federal Council of Churches states that

It is the opinion of an attorney consulted that this does not preclude an application to the discretion of the court by another method of procedure, to review the public policy phase of the case on its merits.

The Commission also points out that

It should be noted the Supreme Court decision cannot be construed as a precedent for an injunction enforcing a segregation covenant other than that such court holds that the covenant is not in violation of the federal Constitution.

Under the leadership of the National Association for the Advancement of Colored People, a new brief has been filed, under which the question of public policy involved is placed squarely before the Court. It is hoped within a year that a decision may be obtained, establishing whether or not it is possible, by contract, to bar American citizens of African descent from the security of private property guaranteed to all citizens under the Constitution.

INJUNCTION TO HALT PROPERTY SALE IS DENIED

Judge Of The Supreme Court Of District of Columbia Declines Writ Forcing Colored Residents To Move.

(Special Correspondence)

Washington, D. C., Sept. 7.—A mandatory injunction to compel Mrs. Julia Branch and all other colored persons who may be living with her at No. 120 Adams street, northwest, to vacate the premises and to prevent the sale of this property to colored persons, was denied last week by Justice Jennings Bailey in the Supreme Court of the District of Columbia.

He followed the precedent of Chief Walter I. McCoy in the case involving No. 77 Randolph street, northwest. Chief Justice McCoy held that mandatory injunctions ought not to be granted until final hearing unless the situation indicates an absolute necessity for their use in the preservation of the rights of the parties.

The Plaintiffs

The injunction was sought by William S. and Elizabeth Sill, 132 Adams street; Helen M. Walsh, 125 Adams street, and Cecil E. and Ella Custer, 121 Adams street, northwest, through Attorneys Harry A. Grant and Martin F. O'Donoghue. It was asked against Kirby Kibbler, a real estate salesman employed by the Munsey Trust Company; William C. Robberts, an employee of the Columbia Title Company, and Mrs. Julia Branch.

The court was also asked for a mandatory injunction compelling the defendants to abide by the provisions of a restrictive covenant which provides that this property shall never be rented, leased, sold, transferred or conveyed to any colored person under a penalty of $2,000.

SEGREGATION IS A BOOMERANG

WASHINGTON, D. C., (P.N.S.)—That all that glitters is not gold is being aptly illustrated in Washington, D. C., in residential quarters where restrictive covenants against colored people are in full force and effect. In fact, the restrictive covenant heralded as a savior of domestic integrity when the Curtis case was decided, was a veritable boomerang in the deep disguise of segregation.

The fact is that real estate and sharks and avoracious property-holders are not infrequently singing the "blues" over their inability to dispose of "choice" properties, because of some clause which was once written in to not a few deeds. Too, colored people have become weary of properties which have a scintilla of restrictiveness about them. Rather they are hieing to apartment houses instead of making payments upon eighteen and twenty-thousand dollar homes, only to struggle with a faulty title and with a judge's decisions.

What is the net result? Not a few white owners have upon their hands properties which no one will either rent, lease or buy. Just around the corner, perhaps, Negroes have located, adding as much color to the situation as would obtain were they block neighbors. And the owners find an ugly "white elephant" upon their hands. Their own groups don't want such houses because they're too near the colored people; and the latter don't want them because there's a cloud upon the title. Can you beat it?

HOLD SALE TO RACE VALID

District Court Fails To Enjoin Transfer Of Property

WHITES MOVE OUT

(Special to the Journal and Guide)

Washington, D. C., Oct. 26—Justice Jennings Bailey last Friday refused to issue an injunction temporarily restraining Harry A. McGowan (white) from selling property at No. 113 U street, northwest, to Elais T. and Laura A. Whitlock.

Attorney James S. Easby-Smith, who represented the plaintiffs in the Curtis segregation case, appeared for the white defendant in the hearing before Justice Bailey. Mr. Easby-Smith filed a demurrer in which he contended that the covenant executed by the property owners in the U street block between First and Second streets, northwest, was not against sale to colored persons but simply against possession by them. Justice Bailey sustained this demurrer.

On the question of the preliminary injunction against possession Justice Bailey denied the injunction on the ground that it was permanent in its nature.

This suit was brought by Ida K. Miller, 2008 First street; Bertha Q. Hanway, 206 First street, and Anna F. Johnston, 2004 First street, northwest, against Harry A. McGowan, Elias T. and Laura A. Whitlock to enforce a covenant prohibiting use or occupancy by colored persons of property in U street between First and Second, northwest. Only five out of forty-seven houses in this block are occupied by white persons.

Attorneys George E. C. Hayes and Ernest J. Davis are representing Mr. and Mrs. Whitlock.

Segregation-1926. D.C.

Judge Refuses Injunction In District Land Sale

Washington, D. C., Aug. 5.—Chief Justice Walter I. McCoy last Friday denied a motion for a preliminary injunction to compel Edgar T. Newton, Mrs. Sarah P. Newton and Robert H. Peterson to vacate the premises at No. 77 Randolph street, northwest, which they purchased from Edward B. Russell and Mrs. Susie B. Russell in an alleged violation of a restrictive covenant.

Chief Justice McCoy held that mandatory injunctions ought not to be granted until a final hearing unless the situation indicates an absolute necessity for it in the preservation of the rights of the parties. No such necessity exists in this case, he said.

The suit was filed by Frank S. Wallace, 75 Randolph street, northwest; Francis and Ann F. Cleary, 45 Randolph street; Charles J. and Martha Orem, 47 Randolph street; Mary E. Ragan, 55 Randolph street; Agnes Ramsay, 66 Randolph street, and Henry Hoiby, 63 Randolph street, for the purpose of enforcing a covenant which provided that the property of the persons signing the agreement should not be used or occupied by, or sold, conveyed, leased, or rented, or given to any colored person for a period of 21 years.

Mr. and Mrs. Russell admitted that they signed this agreement but denied that it ever became effective as to them because it was agreed that the signatures of all the property owners in Randolph street, between First and North Capitol streets, northwest, should be obtained and the covenant recorded in the office of the Recorder of Deeds of the District of Columbia before it should become effective.

The defendants say that Percy E. Budlong, who owned real estate on the corner of Randolph and First streets, northwest, refused to sign this covenant, although Mr. and Mrs. Russell were induced to sign upon the representation that he had done so.

The defendants also attack the covenant upon the ground that it is in its essential nature a contract in unlawful restraint of alienation and is opposed to the public policy of the United States.

The plaintiffs are represented by Attorney Martin F. O'Donoghue and Harry A. Grant. Attorneys Henry E. Davis and George E. C. Hayes represent Edgar T. Newton, Robert H. Peterson and Mrs. Sarah P. Newton. Attorney J. V. Morgan represents Mr. and Mrs. Edward G. Russell.

Edgar Newton is said to be a janitor at No. 2909 Connecticut avenue, northwest; Robert H. Peterson, a laborer at the Government Printing Office, and Mrs. Sarah P. Newton, a teacher in the Burrville School of the District of Columbia.

The property in First street on both sides of Randolph street, northwest, is occupied by colored persons.

PHILADELPHIA, PA.

Record

OCT 23 1926

NEGRO CONVENTION HERE PROTESTS SEGREGATION

Calls on Coolidge to Prevent Race Discrimination in Capitol.

President Coolidge, whose political party owes so much to the colored voters of this country, was called upon last night to prove his loyalty to the Declaration of Independence by abolishing the segregation of colored employees at the Federal Capital. The call was issued at a mass meeting held in the Varick A. M. E. Zion Church, at Nineteenth and Catharine streets, in connection with the nineteenth national session of the National Equal Rights League. The President and Congress were also urged to repeal the segregated beach statutes.

The declaration was based on the Preamble to the Declaration of Independence. It calls for equality of all persons, regardless of their race or color, and opposes all race segregation, denials of civil rights, disfranchisement and lynching. White America is appealed to show loyalty to the tenets of Thomas Jefferson, and colored America is called upon to band itself against proscription.

Mandatory Injunction Is Refused

WASHINGTON, D. C., Sept. 9.—A mandatory injunction to compel Mrs. Julia Branch and all other colored persons who may be living with her at No. 120 Adams street, northwest, to vacate the premises and to prevent the sale of this property to colored persons, was denied last week by Justice Jennings Bailey in the Supreme Court of the District of Columbia.

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Segregation – 1926

D.C.

SUPREME COURT AND WASHINGTON SEGREGATION.

The supreme court of the United States, with Justice Sanford reading the decision, recently declared that "under the pleadings," it had no jurisdiction over the new species of residential segregation originating at Washington, D. C., where individual white owners of property have agreed and entered into a covenant between themselves to sell no property to members of the Negro race for a given period of time.

This opinion of the highest legal tribunal in the country does not in any way affect or nullify the decision handed down in 1917 by this court in the celebrated Louisville, Kentucky, segregation cause, where the supreme court held that residential segregation ordinance passed by said city was invalid, null and void.

In the Louisville case the municipal government sought to prescribe the residential metes and bounds of the colored citizens, and this attempted act the highest court in the land held unconstitutional.

In the Washington, D. C., cause, the same condition did not exist, neither had the municipal or district government sought to segregate the colored inhabitants by a special segregation ordinance.

However, in the absence of such a statute in the Capital City, a group of white property owners entered into a private agreement among themselves to keep their district "lily-white," and to not sell their holdings to colored people, under any circumstances, for at least 21 years.

When a wealthy colored woman sought to purchase a piece of property in this district from a white woman (who consented to the sale), a group of her white neighbors and covenanters sued out an injunction and halted the sale of the property by the white woman to the colored woman.

Seeking to establish the invalidity of this pact, both the white and colored woman joined hands in a legal fight to settle the point at issue; and, with the lower courts all concurring with the covenanters and holding that the injunction was granted the white protesters on valid and perfectly equitable grounds, the case was finally appealed to the supreme court of the United States.

With the racial issue (as it regarded the segregation of colored citizens in Washington and the nation) flaring up in the controversy, the National Association for the Advancement of Colored People joined forces with the two enjoined women, and employed expert legal talent to contest every inch of ground in the case, and to get an opinion from the highest legal tribunal in the land, concerning the validity and constitutionality of such an agreement between citizens of one race as against citizens of another race.

Legal counsel for Mesdames Irene H. Corrigan (white) and A. M. Curtis (colored), the two women involved in the proposed realty transaction and the resultant injunction, sought to prove that such an agreement was contrary to and in violation of the 5th, 13th and 14th constitutional amendments, and the supreme court was asked to void and invalidate this secret and private contract which was main bone of contention (on the surface) in the legal wrangle.

The supreme court held that no constitutional right was involved or at stake, and therefore that body had no jurisdiction of the matter; that "individual invasion of individual rights is not the subject matter of the amendments, and that the 13th amendment, "denouncing slavery and involuntary servitude, does not in other matters protect the individual rights of persons of the Negro race."

This late decision of the supreme court, in refusing to bring this cause within its scope and purview, has placed a legal stamp of approval upon the Washington type of residential segregation, one of the most pernicious and malignant species extant; but the court also held, in substance, that the case was not appealed in such form and manner as to give that body jurisdiction.

Unless the Negro race is willing to hoist the white flag or show the yellow streak, the case should be revised and the fight carried to the highest court again; for, as one swallow does not make a summer, one adverse court decision, even in such a vital and far-reaching issue, does not seal the race's doom nor make for our abject hopelessness.

Where there is a will, there is a way; and we must find the way and then have the will to pick up the cudgel and wage an incessant legal battle for our rights, both individual and collective, and put to complete rout the hideous, hydra-headed monster of segregation, discrimination, "jim-crowism," disfranchisement, injustice and inequality—for "nothing is settled until it is settled right!"

OUR SUPREME COURT

Of course the Supreme Court of the United States is the highest tribunal known to our country. To this Court men go for justice and the final adjudications of their disputes. The American Public has been taught to respect the Courts and to submit themselves to court decrees, regardless of the inconvenience visited upon the people by disappointing decrees.

We have just been informed that the Supreme Court has said that it has no jurisdiction in matters touching the life liberty and pursuit of happiness of certain citizens if in the pursuit of happiness they happen to buy a piece of real estate owned by white people and located in what this country is pleased to call "white districts." We refer to the Curtis case in Washington, D. C.

Of course we are not attempting to deal with the hypocrisy of the so-called color question in this country. Any person who can avail himself or herself of a trip over the public highways of our country will find lots of open air, beautiful streams, rolling country and freedom unrestrained. Everywhere, on all sides, one will see pictures indescribable and the great satisfaction one breathes as one drives along from picture to picture is the fact that God painted the scenery. How different when we come to the picture man has attempted to paint. Mere man has set up sections known as white sections and others as notoriously known as colored sections; thus spoiling God's great out-of-doors, and earmarking it with color prejudice and race discrimination.

Under the constitution of our Federal Government, liberty and the pursuit of happiness means restricted pursuit

Segregation – 1926

D.C.

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The supreme court held that no constitutional right was involved or at stake, and therefore that body had no jurisdiction of the matter; that "individual invasion of individual rights is not the subject matter of the amendments, and that the 13th amendment, "denouncing slavery and involuntary servitude, does not in other matters protect the individual rights of persons of the Negro race."

This late decision of the supreme court, in refusing to bring this cause within its scope and purview, has placed a legal stamp of approval upon the Washington type of residential segregation, one of the most pernicious and malignant species extant; but the court also held, in substance, that the case was not appealed in such form and manner as to give that body jurisdiction.

Unless the Negro race is willing to hoist the white flag or show the yellow streak, the case should be revised and the fight carried to the highest court again; for, as one swallow does not make a summer, one adverse court decision, even in such a vital and far-reaching issue, does not seal the race's doom nor make for our abject hopelessness.

Where there is a will, there is a way; and we must find the way and then have the will to pick up the cudgel and wage an incessant legal battle for our rights, both individual and collective, and put to complete rout the hideous, hydra-headed monster of segregation, discrimination, "jim-crowism," disfranchisement, injustice and inequality—for "nothing is settled until it is settled right!"

OUR SUPREME COURT

Of course the Supreme Court of the United States is the highest tribunal known to our country. To this Court men go for justice and the final adjudications of their disputes. The American Public has been taught to respect the Courts and to submit themselves to court decrees, regardless of the inconvenience visited upon the people by disappointing decrees.

We have just been informed that the Supreme Court has said that it has no jurisdiction in matters touching the life liberty and pursuit of happiness of certain citizens if in the pursuit of happiness they happen to buy a piece of real estate owned by white people and located in what this country is pleased to call "white districts." We refer to the Curtis case in Washington, D. C.

Of course we are not attempting to deal with the hypocrisy of the so-called color question in this country. Any person who can avail himself or herself of a trip over the public highways of our country will find lots of open air, beautiful streams, rolling country and freedom unrestrained. Everywhere, on all sides, one will see pictures indescribable and the great satisfaction one breathes as one drives along from picture to picture is the fact that God painted the scenery. How different when we come to the picture man has attempted to paint. Mere man has set up sections known as white sections and others as notoriously known as colored sections; thus spoiling God's great out-of-doors, and earmarking it with color prejudice and race discrimination.

Under the constitution of our Federal Government, liberty and the pursuit of happiness means restricted pursuit and limited happiness, if we are to accept the latest ruling of the Supreme Court of the United States, which has said that it has no jurisdiction over questions arising out of the lawful pursuit of happiness, when that pursuit takes us into a white district.

Of course we are not dealing with legal technicalities in this discussion—we are simply dealing with the cold fact that the Supreme Court of the United States sought and found an opportunity to leave segregation and ghettos in the hands of those who would deny any American citizen the right to live and love and labor wherever his finer sense of happiness dictates. Somewhere in the future centuries this condition will fade out and, pending the great agency of time, we suppose we are to bow with due deference to the mandate of our Supreme Court, which has the happy faculty of deciding just what we don't want at the very time we want it most. We hope the issue sought to be settled in the Curtiss case will again some day come before the Supreme Court in proper legal and technical form.

NORFOLK VA DISPATCH
MAY 27, 1926

A PROTECTION TO BOTH RACES

Refusal of the United States supreme court to interfere with the practice of certain white communities in entering into an agreement to bar negroes from buying their property will in the long run have the effect of promoting peaceful relations between the races, will tend to stabilize property values, and in cities having a considerable negro population will tend to emphasize the importance of providing improved residential sections for negroes who may be barred from moving into those areas occupied by white people.

The supreme court upholds a decree of the supreme court of the District of Columbia, enjoining for a period of twenty-one years from June 1, 1921, the sale of a certain parcel of land in Washington to any person of negro race or blood. The opinion by Justice Sanford is based upon a lack of jurisdiction.

Twenty-eight persons entered into a contract or agreement in 1921 not to sell their property in Washington during a period of twenty-one years to negroes. The supreme court holds there is nothing unconstitutional in such agreement. It appears that a woman had agreed to purchase certain property from one of the signers of this agreement before the owner ascertained that she was of negro blood. A New England association aided in the contest, its lawyers asserting that such an agreement was in contravention of the fifth, thirteenth and fourteenth amendments to the Constitution of the United States. Justice Sanford held that the court could find nothing unconstitutional in such an agreement, since it was a voluntary limitation entered into by a group of property owners for mutual protection and not a matter of stature. The fifth amendment, he held, is a limitation on the powers of the general government, not directed against the action of individuals; the thirteenth, as to involuntary servitude, has no bearing on the present contention, while the fourteenth, the opinion holds, refers to state action and not to that of private individuals. The court decides that the amendments cited do not cover such transactions as that complained of, and that the appeal did not bring before the court any constitutional question. The decree of the District of Columbia court is, therefore, left in effect.

It will be recalled that some years ago the supreme court held invalid the Louisville segregation ordinance, which aimed to district the city by blocks, proposing that no negro family could move into a block the majority of the residents on which were white, and that no white family could move into a block the majority of the residents on which were colored. The opinion was by a divided court, and in view of subsequent opinions upholding zoning regulations it has been held by some lawyers that the Louisville ordinance could be re-drafted to meet the constitutional objections and accomplish the purpose for which it was designed.

The question is one in which rules of common sense and justice must apply as well as the rules of statute law. There is no use blinking at the fact that where a negro buys or occupies residential property in the heart of a white section property values in the surrounding area are depreciated. The better class of self-respecting negroes have no desire to push in where they are not wanted, and know that such a move would not result in happy conditions either for colored or white people. Since the large migration of the negroes to the north there have grown up negro sections in many cities where there is no southern tradition as to race segregation. The colored settlement, about 125th street in New York, is said to be the largest negro colony in the world. Experience has shown that both races are happier when living to themselves, when there is an avoidance of friction and of contacts of the kind that cannot but lead to trouble.

Since it has been determined, even in cities like Washington, that it is better for the whites to inhabit one section and the negroes another, the responsibility rests on the city authorities to improve the living conditions of the areas devoted under such tacit zoning regulations to negroes. As the colored race advances it is entitled to better homes, to better streets, to provisions for parks and for other attractions in keeping with their numbers and the taxes they pay, either as owners or renters. Large areas in Norfolk have been developed for new homes for white people. If Norfolk would develop one or more such areas for desirable, healthful and attractive homes for the better class of colored people there would be less excuse for the desire of some of them to push into sections now occupied by whites.

The races are living side by side in peace, each having its own part in the upbuilding of the community. In the main, our Norfolk negroes are orderly citizens, desirous of educating their children and of developing their own race. In this ambition they are entitled to all the aid the community can give. The decision of the supreme court allows any white community or section by its own agreement to perpetuate itself as a settlement for white people only, and any colored section by agreement to bar invasion of white people, whether of American or foreign birth. The opportunity is one that those engaged in subdividing new sections for home building will not be slow to take advantage of, and that will be a real protection to those who are investing their earnings in the purchase of a home.

"Make it a nice night, Sam, won't you?"

Second Segregation Case To Go To Supreme Court

N. A. A. C. P. Legal Committee Agrees Not To Drop Issues Involved

NEW YORK.—The National Legal Committee of the National Association for the Advancement of Colored People, has held a meeting to discuss further steps in the segregation fight, following the United States Court's decision in the Curtis Segregation Case in Washington, D. C.

The meeting was held in the offices of Louis Marshall, 120 Broadway, and besides Mr. Marshall there were in attendance Arthur B. Spingarn, chairman of the committee; James A. Cobb, of Washington; Herbert J. Stockton and James Weldon Johnson, secretary of the N. A. A. C. P.

Because of the fact that the Supreme Court did not pass upon the merits of the case but declared itself to be without jurisdiction, the committee decided to take up another case as soon as it may be possible that will force a conclusive opinion upon the fundamental questions involved.

This was affirmed by the Court of Appeals and an appeal to the Supreme Court was then sought.

"Under the pleadings in the present case," the Supreme Court said, "the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or convenant which is the basis of the bill is void, in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth amendments. This contention is entirely lacking in substance or color of merit."

Following a discussion of these amendments the Court proceeded:

"It is obvious that none of these amendments prohibited private individuals from entering into contracts respectng the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void. And, plainly the claim urged in this court that they were to be looked to in connection with the provisions of the revised statutes and the decisions of the courts in determining the contention earnestly pressed that the indenture is void as 'against public policy' does not involve a constitutional question within the meaning of the code provision."

Validity of Agreement Upheld.

It is contended by the defendant, Mrs. Curtis, that Sections 1977, 8, 9 of the revised statues forbade such an indenture. The Supreme Court held that these statutes "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."

"We therefore conclude" said the Court, "that neither the constitutional nor statutory questions relied upon as grounds for the appeal to this court have any substantial quality or color of merit."

The court also denied the contention of the defendants that the decrees of the courts below in themselves deprived the defendants of their liberty and property without due process of the law.

"The defendants were given a full hearing in both courts," said the decision. "They were not denied any constitutional or statutary right, and there is no semblance or ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of here spoliation."

Justice Sanford concluded the opinion by dismissing the case for want of jurisdiction.

Segregation—1926

D.C.

Residential Segregation by Practice and by Law

By KELLY MILLER

Last Friday I sat in the Supreme Court of the United State to listen to the arguments on the Curtis Case involving the principle of residential segregation. Ten years ago I sat in the same court to hear the same question presented under another form. The National Association for the Advancement of Colored People, then as now on the alert for the civil rights of the race, had taken over the cases presented by the cities of Louisville and Baltimore, both of which cities have passed ordinances laying down certain residential restrictions on the basis of race. The local and state courts had upheld the validity of these ordinances. Appeal had been made to the Supreme Court of the United States for final judicial determination of the issue. Learned arguments had been presented on both sides. The Supreme Court held the matter under consideration for fully a year, and finally requested reargument of the question by both parties in litigation. This was a momentous occasion. The mind of the nation was motivated by war psychology. The allies were sending delegations to this country urging the United States to save democracy from destruction. I vividly recall that Viviani, the ex-premier of France, headed the French delegation, which came over to make the last desperate appeal. Viviani sat as guest of the Chief Justice on the bench of the Supreme Court, while this segregation case was under argument. The deep cried unto the deep. The democracy of Europe appealed unto the democracy of America. The presence of the French representatives in the Supreme Court at this superlative moment possessed a poetic fitness. Must Viviani take back to France the verdict that American democracy restricts the rights of its citizens on the ground of race and color? Or must he report that the spirit of democracy in the West is true to the idea instilled by the French a century and a half ago, that all men are equal before the law? The verdict was unanimous. The members of the court from South and North alike, Democrats and Republicans, concurred in the unanimous decree. It was determined, once for all time that it is unconstitutional for any municipality as creature of the state to pass any ordinance or law restricting the right to buy and occupy property on the basis of race. How far this decision may have been influenced by war psychology must remain a matter of speculation. Such subtle influences, however, may unconsciously invade even the sacred precincts of the courts of justice.

Dr. Miller

The present case missed the dramatic setting and spectacular background.

Only eight of the nine justices were in sitting. The case for the Negroes was ably presented by Mr. Louis Marshall, who is conceded to be one of the greatest constitutional lawyers in the United States, and Mr. Moorfield Storey, president of the N. A. A. C. P., one of the leading legal lights before the New England Bar. Mr. Storey is over eighty years of age but his mind is as clear and his heart as true as in the earlier years of his manhood when he served as private secretary for Charles Sumner. The opposition was ably presented by Mr. Easby Smith, who is a party in interest in the particular block involved in the litigation. The present case is but a subterfuge to evade the general principle laid down in the previous decision. It lacks the broad basis and comprehensiveness of the former issue. The question at issue is to determine whether local covenants entered into by a number of individuals binding themselves not to sell or rent property to colored people is merely a gentleman's agreement, as it has hitherto been understood, or whether it has the force and sanction of a binding legal obligation from which no party to it can withdraw without legal liability. Such covenants have been in operation from time immemorial, and have been effective in preserving the racial integrity of residential districts so long as all the signatory parties were willing to observe the agreement without legal compulsion. Similar cases have arisen in fifteen to twenty different cities.

Cases have been appealed from local to state courts in six instances. In all of which, it appeared, that the states had upheld the legality of such covenants. It so happened that the state of Michigan, it seemed had decided the case both ways. But on closer analysis it was disclosed that the two decisions possessed essentially different features. The opposition practically conceded that it was against public policy to tie up property by restrictions for an indefinite period, but that it might legally be done for a period of years. Although six states have decided the case in one form or the other, this is the first instance in which this class of cases has been appealed to the Supreme Court for final decision.

There were only two points contended by both sides,—is the decision of the lower court constitutional, and is it in harmony with public policy. The question of constitutionality was ably argued on both sides. The justices evinced keen interest by the flood of cross questions, almost amounting at times to heckling. On the issue of public policy the issue was clearly drawn. Our counsel contended that the public policy is set forth in the Declaration of Independence, and not in the narrow provincial dogmatism of the Ku Klux Klan. Mr. Smith maintained that public policy on the race question is indicated by all but nationwide policy of social separation. The two lower courts have agreed with Mr. Smith as to public policy as it prevails in the District of Columbia. It remains to be seen how the Supreme Court will decide this momentous issue. This august tribunal has before it an awful precedent which ought to serve as a warning for all time. Justice Taney rendered the decision in the Dred Scott Case on what the court then interpreted to be the historic and prevalent public policy, to the effect that the Negro did not possess the status of a man and a citizen. But righteous public sentiment asserted itself in the vigor of indignation and utterly repudiated his dicta, which has made the name of an otherwise righteous and upright judge a stigma and a reproach. There is no name in American history which is so generally associated with obliquity except that of Benedict Arnold. Such is the risk in attempting to interpret public policy to suit the requirements of a temporary propaganda.

The case is now on the knees of the gods. The layman who listened to the arguments and observed the reactions of the judges has little or no cue as to the outcome. The lawyers are equally bepuzzled. Among them there are three types of opinion. Some feel sure that the judgment of the lower court will be reversed; others look for a flat denial of our claim; while still others predict that the case will be thrown out of court for lack of jurisdiction. We can only stand and wait. If the decision is favorabe, it will by no means stem the tide of segregation. If this device is judicially estopped, other devices of like sublety will be forth coming. The issue will merely assume another form. If on the other hand the decision goes against us, we may fall back upon the more basic decision that segregation can only be effected by limited local agreement, and not by city ordinances or legislative enactments. It is much easier to break by and overcome mere individual covenants than to override the ordinances of a city or the enactments of a state.

Which ever way this decision may go, it will not determine the issue, nor very seriously interfere with its operation. The more basic decision of ten years ago has had no appreciable effect upon the volume of segregation. The process has been tremendously increased during the past ten years in all of the cities of the country. But these decisions make the process flexible, rather than rigid. It is legal fixity that the Negro mainly dreads. I have had personal experience in Baltimore and Washington. Thirty years ago, the bulk of the Negroes in both cities lived in South Baltimore and in South Washington. In the growth and expansion of these two cities, the Southern portions were left behind in the race. They became most undesirable as places of residence. In the earlier years, practically every Negro who sought better home facilities had to fight the prejudice and opposition of the white neighborhood into which he sought to move. Had we then had laws restricting racial residence, these peoples would still be penned up in these forbidding and untoward sections of these two cities. The tale of two cities can be multiplied by fifty. We must fight iniquity and inequity with instrumentality of the law, for this is the only weapon which we can command.

BROOKLYN N Y EAGLE
JANUARY 10, 1926

RACE SEGREGATION BY COMPACT.

It is a question of keen interest to realty men in every large city of the United States that is to be decided finally by the Supreme Court of the United States in the District of Columbia case, where race segregation was sought to be established by compact, and the lower courts held the agreements enforceable in law. One signer of a contract not to sell to negroes owned a house at 1827 S street, Northwest, Washington. This was contracted to be sold to a colored person. An injunction against completing the sale was granted by the lower courts.

Where States or municipalities have undertaken to compel negroes to live in some certain zones, the statutes or ordinances have been voided by the Federal courts, as contrary to the principles of the United States Constitution. Louis Marshall, arguing the present case for the negroes, could offer precedents enough on that point. But private compact is another matter. There is no law anywhere making an agreement not to sell realty to black folks or red folks or folks who do not black their boots. Nobody can be punished for entering into such a contract. The question is merely whether the contract is enforceable in the courts, though its effect may be to deny equality virtually pledged by the organic law of the Nation.

If the Supreme Court shall sustain the lower courts it will be possible for white property holders in a whole city to agree not to sell or to rent to colored persons. It is easy enough to conceive the motives for such an agreement. The effect would be disastrous for negroes whose occupations are within the city affected. That is why the Marshall argument is read with interest and the case is bound to be closely watched all over the country.

WHILE LAWYERS ARGUE BLOCK BECOMES BLACK

Famous Curtis Segregation Case Took Three Years To Reach Supreme Court

WHITES GONE NOW; BLACKS TAKE BLOCK

Lawyer Argue That 14th Amendment Doesn't Apply To Washington

By LOUIS R. LAUTIER

Washington, D. C., (Afro Bureau)—While lawyers have been arguing in the courts the right of Mrs. Helen Curtis to live in the 1700 block of S street, nearly all of the white people have moved out of the block and all colored people have moved in.

On June 1, 1921, 28 persons owning adjacent property on both sides of S. Street between New Hampshire avenue and Eighteenth street, northwest, entered into a covenant which provided that no part of their property shall ever be used or occupied by or sold, conveyed, leased, rented, or given, to Negroes or persons of the Negro race or blood. It was also agreed that the covenant "shall run with the land and bind the respective heirs and assigns of the parties hereto for the period of 21 years."

Last year Irene Hand-Corrigan, white, one of those who signed this agreement contracted to sell the property to Mrs. Curtis. Neighbors objected and started legal proceedings which carried the case through the lower court, District Supreme Court, and the Court of Appeals. Last week it was heard before the U. S. Supreme Court.

Each time Mrs. Curtis has lost. Three courts holding that white residents of a community have a right to keep colored people out by covenants in the deed.

Backed by the National Association and prominent lawyers in the country, Mrs. Curtis is expecting to win her decision in the Supreme Court.

Argument in favor of segregation was made by James B. Easby-Smith, white.

He called attention to what he termed the "shift of positions" of the appellants. He argued that the District of Columbia is not a state and that the Fourteenth Amendment is not applicable to the District.

Mr. Easby-Smith contended that the covenant was not a restraint upon the alienation of property, but upon the use, and if it is a retraint upon alienation, it is only a partial restraint and for a limited period.

Color Line Contract Attacked

NEW YORK CITY SUN
JANUARY 8, 1926

Agreement Among Property Owners Barring Negroes Reaches Supreme Court.

WASHINGTON, Jan. 8 (A. P.).—The question of race segregation in cities was argued before the Supreme Court today in a case involving the enforceability of contracts made among property owners to restrict the sale and use of their property.

The case originated in the national capital. The property involved, which the owner sought to sell to a negro woman, is on S street, in what a few years ago was an exclusive white residential section. The homes of Herbert Hoover and Mrs. Woodrow Wilson are on the same street, only a half dozen blocks away.

Owners of the property in the block in dispute—between Seventeenth and Eighteenth streets—made a formal contract in 1921 that for a period of twenty-one years none would sell to a negro. About a year later, however, one of the parties to the contract, Mrs. Irene Hand Corrigan, agreed to sell her house to Mrs. Helen Curtis, and the other property owners in the block obtained an injunction against the sale on the ground that Mrs. Curtis is of negro blood. The lower court held the contract valid and enforceable, sweeping aside contentions that constitutional guarantys of race equality had been violated.

The National Association for the Advancement of Colored People joined with others in appealing the case to the highest court, and Moorefield Storey of Massachusetts and Louis Marshall of New York appeared today as counsel for Mrs. Corrigan and Mrs. Curtis.

Mr. Marshall contended that agreements among white property owners not to sell to negroes was an entering wedge of a "Ku Klux Klan program," and that if the segregation was permitted it would extend to other groups in the country.

"The moment there is a differentiation in our courts between white and black, Catholic and Protestant, Jew and non-Jew," he said, "hatreds and passions will inevitably be aroused."

Nineteen cities throughout the United States, according to counsel for the appellants, are materially interested in the outcome of the case. The attorneys named St. Louis, Los Angeles, Cleveland, New York, Detroit, Baltimore, New Orleans, Kansas City, Chattanooga and Memphis.

Segregation Meeting Held In School Building

The Wilson Normal School, Eleventh and Harvard Streets, Northwest, has been and is being used as a mass meeting place for property owners on both sides of Kenyon Street, between Eleventh and Fourteenth Streets, Northwest, seeking to prevent colored persons from buying, renting or living in that neighborhood.

This fact was brought to the attention of the Board of Education at its meeting in the Franklin School last Wednesday afternoon by Charles H. Houston, chairman of a committee of the Washington Bar Association that was appointed on December 17, 1925, to investigate the charge that the Wilson Normal School was being used for meetings in the interest of securing covenant among property owners not to sell, rent, or lease their property to colored persons.

Superintendent Frank W. Ballou stated that he had no knowledge of these meetings. Dr. J. Hayden Johnson, chairman of the Board of Education committee on community use of school buildings, was not present at the board meeting. Later he informed the Tribune that permission for these meetings had not been granted by his committee. He stated that the Board of Education had authorized the Community Center department to grant permission in ordinary cases, and that probably permission for these meetings had been given by the Community Center Department.

In calling the attention of the Board of Education to these meetings, Mr. Houston characterized such meetings as an improper use of public school buildings. He read the following: "Notice of important meeting for Kenyon Street property owners," dated October 24, 1925, to the Board of Education:

"We, the undersigned property owners on Kenyon Street, respectfully urge that the property owners on both sides of Kenyon Street, between Eleventh and Fourteenth Streets, attend a special called meeting in Wilson Normal School, Eleventh and Harvard on Monday, November 2, 1925, at 7:30 p.m., for the purpose of considering ways and means to protect our street from invasion by colored people. Premises No. 1203 Kenyon Street has been sold to a colored purchaser who is about to rent same to a colored tenant. This break in our neighborhood is of serious and vital importance to every property owner and united action of all is necessary to protect our rights and interests. Please be present at this meeting or send someone to represent you."

This notice was signed by Colin R. Livingstone, 1249 Kenyon Street, Northwest; Dr. J. A. Flynn, 1222 Kenyon Street; R. G. Onyun, 1209 Kenyon Street, and Mrs. C. C. Stouffer, 1207 Kenyon Stret.

Permission for Mr. Houston to bring this matter before the Board of Education was obtained by the Rev. F. I. A. Bennett, who condemned the use of schools for such purposes.

The use of this school for meetings of this kind was referred to Superintendent Ballou for nivestigation and a report to the Boad of Education.

That the Wilson School was being used for these meetings was brought to the attention of the Washington Bar Association on December 17, 1925, by Henry A. Brown, a lawyer and real estate of 1234 U Street, Northwest. A committee was appointed to make an investigation for the bar association. It is composed of Charles H. Houston, Ambrose Sheaf, Jr., and C. H. Toms.

Segregation–1926

D.C.

RESIDENTIAL RIGHTS HANG IN BALANCE

Acute Segregation Cases At Present Before The Courts Of Twenty American Cities

CASE IN SUPREME COURT

U. S. High Court's Decision, Soon To Be Delivered, Is Awaited For Guidance In Disposition Of Cases

WASHINGTON, D. C., Mar. 24—Although the matter has been already before the supreme Court and other Courts in the various States, the legality of the enforced residential segregation of colored citizens has never been entirely and finally settled, and there is pending before the Supreme Court another case, the decision of which, it is hoped, will settle the question for all times. Acute segregation cases are at present before the Courts in 20 American cities, the most notable being in Detroit, where 11 colored persons are charged with murder in shooting into a mob which sought to evict them from their homes. The second Sweet trial is slated to begin early next month. The case before the Supreme Court is one where 20 property owners of Washington, D. C., who banded themselves together in an agreement to dispose of their properties to white persons only. One of the number a Mrs. Corrigan, found it necessary to sell her property and being unable to find a white purchaser, sold it to a colored person, a woman named Curtis. The others in the compact are seeking to enjoin Mrs. Corrigan from doing so. An injunction was issued by the Supreme Court of the District of Washington and sustained by the Court of Appeals. The Supreme Court of the United States has already decided in a somewhat similar case that such segregation when accomplished by legislative action is illegal, but the question now seems to be whether it may be accomplished by other means as in the present case by mutual agreement. The decision is awaited with great interest as the disposition of the other cases will be influenced.

SEGREGATION PACT UPHELD

WASHINGTON, May 24.—The exclusion of negroes from restricted residential districts by mutual contracts between property owners is legal under the Constitution, the Supreme Court held, in effect, Monday in dismissing a test case brought from the lower courts of the District of Columbia.

The case involved the sale of a piece of property to one Helen Curtis, a negress, by Irene Hand Carrigan. John J. Buckley, a property owner, obtained an injunction from the lower courts forbidding the transfer of the property. The Curtis woman appealed on the ground her constitutional rights were infringed upon, but the Supreme Court dismissed her appeal. The decision was rendered by Justice Sanford.

NEW YORK CITY GRAPHIC
MAY 25, 1926

Negroes Denied Right to Trade

WASHINGTON, May 25.—The right of white residents of Washington to enter into indentures or agreements against sale or conveyance of property to persons of negro blood has been sustained by the United States Supreme Court in decision delivered by Associate Justice Sanford.

The effect of the judgment is to give legal sanction to practices established by white residents of the national capital to exclude from certain neighborhoods negroes and other persons whom they regard as undesirable.

Property Sale to Negroes Is Temporarily Enjoined

JUSTICE HOEHLING, OF DISTRICT OF COLUMBIA, GRANTS RESTRAINING ORDER

Washington, D. C., July 29.—Justice A. A. Hoehling, of the Supreme Court, of the District of Columbia, has granted a temporary injunction restraining the sale of property affected by a restrictive covenant to Colored persons.

The property is No. 139 Adams Street, northwest, which is the Bloomingdale section. Frank N. and Lillian M. Sampalik, white, had agreed to sell this property to Russell K. Lyle, of 1821 Fourth Street, northwest, and were taking preliminary steps to convey title to it to him when Frank L. and Rose D. White, 145 Adams Street, northwest, and Robert L. and Martha L. Pile, 135 Adams Street, northwest, asked the court to prevent the sale.

In granting the injunction, Justice Hoehling said that he was being governed by the decision of the Court of Appeals of the District of Columbia in the case of Torrey against Wolfes, decided June 1, 1925, in which a similar restrictive covenant was involved. In that case the appellate court sustained the action of the trial court in granting a preliminary injunction.

Attorney George E. C. Hayes, who is representing the defendants, noted an appeal.

The temporary injunction restrains Frank N. and Lillian M. Sampalik from proceeding further with any sale, conveyance, lease or gift of the property at No. 139 Adams Street, northwest, to Russell K. Lyle, or permitting him to use, occupy or obtain possession of it in violation of the covenant. It also restrains Lyle from occupying, buying, purchasing or possessing the property.

Attorney Hayes contends that the covenant is a contract in unlawful restrain of alienation and is contrary to public. He says that the courts of the District of Columbia have never passed upon this question.

The covenant provides that "said lot shall never be rented, leased, sold, transferred or conveyed to any negro or person of Negro blood under a penalty of $2,000, which shall be a lien against said property." This covenant is made to run with the land.

Unlike the covenant in the Curtis case, it was not mutually signed by the owners of the property in this section. It was put in the deeds by Rev. E. Middaugh and William E. Shannon, who obtained title to the property in this section and improved it by the erection of a large number of dwellings and sold them subject to this restrictive agreement.

SEGREGATION SUIT FILED AGAINST JULIA BRANCH

By Louis R. Lautier

A third court action to check the invasion of colored people into the Bloomingdale section has been filed in the Supreme Court of the District of Columbia.

It was brought by William S. and Elizabeth S. [illegible] 132 Adams Street, Northwest, Helen N. Walsh, 125 Adams Street, Northwest, and Cecil E. [illegible] Curtis, 116 Adams Street, Northwest, through Attorneys Harry A. Grant and Martin F. O'Donoghue. The defendants are Kirby Kibbler, a real estate salesman employed by the Munsey Trust Company; William C. Robberts, an employee of the Columbia Title Company, and Mrs. Julia Branch, a colored woman.

The court asked for a mandatory injunction compelling the defendants to abide by the provisions of a restrictive covenant which provides that the property shall never be rented, leased, sold, transferred or conveyed to any colored person under a penalty of $2,000.

The court is also asked to order Mrs. Branch and any other colored persons who may be living with her at No. 120 Adams Street, Northwest, to vacate the premises and remove their effects, furniture and other personal property.

Upon a final hearing of this case the court is asked to enjoin permanently the selling of this property to colored persons and to declare null and void the deeds to this property conveying it from Kirby Kibbler to William C. Robberts and from Robberts to Mrs. Julia Branch.

The plaintiffs allege that the possession of this property by Mrs. Branch is "confiscatory, depreciative and absolutely ruinous" to real estate in the Bloomingdale section.

They charge that Kibbler sought to evade and violate the restrictive covenant which is in the deeds to the property in this section, by conveying to Robberts, who acted as a "straw man" in the transaction. Robberts conveyed the property to Mrs. Branch, and she moved into it before suit was brought.

The property in the Bloomingdale section was developed by Ray E. Middaugh and William E. Shannon. After constructing a number of houses in this section, they sold the property subject to a restrictive covenant running with the land. The Court of Appeals of the District of Columbia in a decision on June 1, 1925, upheld these covenants.

In the two cases, which have been recently filed with respect to property in this section, the judges have granted an injunction in one case and refused an injunction in another.

In the case involving No. 139 Adams Street, Northwest, which Frank N. and Lillian M. Sampalik sought to sell to Russell K. Lyle, a letter carrier, of 1841 Fourth Street, Northwest, Justice A. A. Hoehling granted an injunction on the authority of the Court of Appeals decision on June 1, 1925.

In the case involving No. 77 Randolph Street, Northwest, however, which was conveyed to Edgar T. Newton, Mrs. Sarah P. Newton and Robert H. Peterson, Chief Justice Walter I. McCoy refused to grant a mandatory injunction compelling them to vacate the premises. They moved into the property before the injunction was sought. Chief Justice McCoy took the position that mandatory injunctions ought not to be granted until final hearing unless the situation indicates an absolute necessity for their use in the preservation of the rights of the parties. No such necessity existed in that case, he said.

Attorney George E. C. Hayes, who is representing the defendants in these cases, contends that these covenants are an unlawful restraint on alienation and contrary to the public policy of the United States. The courts, he says, have never passed upon the question of these covenants being an unlawful restraint on alienation.

When the courts reach these cases for trial, it is probable that the Bloomingdale section will have become occupied almost entirely by colored people, as was S Street, between New Hampshire Avenue and Eighteenth Street, Northwest, when the Supreme Court of the United States refused to review a decision of the Court of Appeals of the District of Columbia in the Curtis case upholding the Supreme Court of the District of Columbia in granting an injunction prohibiting the sale of property in this block to Mrs. Helen Curtis.

Threaten Jamaica Home Owners

N. A. A. C. P. Hastens to the Rescue of New Residents in Fast Growing Town

A new case wnere attempts were made to prevent a colored family from occupying its home and in which the N. A. A. C. P. rendered aid developed in Jamaica, L. I., during the past week Mr. and Mrs. N. H. Jefferson purchased a home recentiy at 11034 173rd street, Jamaica, L. I. moving into their new residence on June 2nd. After occupying the home for six weeks they received a letter signed "Ku Klux Klan" ordering them to move.

The case was reported to the N. A. A. C. P. by Mr. Eugene Kinckle Jones of the National Urban League. The Advancement Association immediately took up the matter with Police Commissioner McLaughlin, Mayor Walker and with the United States postal authorities, inasmuch as the threat against Mr. and Mrs. Jefferson passed through the mails.

Most of Mr. and Mrs. Jefferson's neighbors welcomed them into the neighborhood and are exceedingly friendly. The agitation against them, according to indications, is being stirred up by a retired actress, who lives some distance from the Jefferson home. Another factor in the case is believed to be due to the fact that the Jefferson home is the most attractive residence in the neighborhood.

Mrs. Jefferson was for seven years connected with the Y. W. C. A. at Washington, while Mr. Jefferson is employed by the Pullman Company.

JUDGE DECLINES TO PUT TENANTS OUT OF HOMES

Contract Segregationists Lose Second Skirmish

WASHINGTON, D. C.—(AFRO Bureau.)—Chief Justice Walter I. McCoy, last Friday, denied a motion for a preliminary injunction to compel Edgar T. Newton, Mrs. Sarah P. Newton and Robert H. Peterson to vacate the premises at 77 Randolph street, northwest, which they purchased from Edward B. Russell and Mrs. Susie B. Russell in an alleged violation of a restrictive covenant.

Chief Justice McCoy held that mandatory injunctions ought not to be granted until a final hearing unless the situation indicates an absolute necessity for it in the preservation of the rights of the parties. No such necessity exists in this case, he said.

Whites

The suit was filed by Frank S. Wallace, 75 Randolph street, northwest; Francis and Ann F. Cleary, 45 Randolph street; Charles [illegible] and Martha Orem, [illegible] Randolph street; Mary E. Ragan, [illegible] Randolph street; Agnes Ramsey, 66 Randolph street, and Henry Hoiby, 63 Randolph street, for the purpose of enforcing a covenant which provided that the property of persons signing the agreement should not be used or occupied by, or sold, conveyed, leased, or rented, or given to any colored person for a period of 21 years.

Not Effective

Mr. and Mrs. Russell admitted that they signed this agreement but denied that it ever became effective as to them because it was agreed that the signatures of all the property owners in Randolph street, between First and North Capitol streets, northwest, should be obtained and the covenant recorded in the office of the Recorder of Deeds of the District of Columbia before it should become effective.

The defendants say that Percy E. Budlong, who owned real estate on the corner of Randolph and First streets, northwest, refused to sign this covenant, although Mr. and Mrs. Russell were induced to sign upon the representation that he had done so.

Unlawful Restraint

The defendants also attack the covenant upon the ground that it is in its essential nature a contract in unlawful restraint of alienation and is opposed to the public policy of the United States.

Edgar Newton is said to be a janitor at 2009 Connecticut avenue, northwest; Robert H. Peterson, a laborer at the Government Printing Office, and Mrs. Sarah P. Newton, a teacher in the Burrville School of the District of Columbia.

The property in First street on both sides of Randolph street, northwest, is occupied by colored persons.

Injunction Halts Sale Of D. C. Property

WASHINGTON, D. C., July 29.—Justice A. A. Hoehling of the Supreme Court of the District of Columbia has granted a temporary injunction restraining the sale of property affected by a restrictive covenant to colored persons.

The property is No. 139 Adams street, northwest, which is in the Bloomingdale section. Frank N. and Lillian M. Sampalik, white, had agreed to sell this property to Russell K. Lyle of 1821 Fourth street, northwest, and were taking preliminary steps to convey title to it to him when Frank L. and Rose D. White, 145 Adams street, northwest, and Robert L. and Martha L. Pile, 135 Adams street, northwest, asked the court to prevent the sale.

In granting the injunction, Justice Hoehling said that he was being governed by the decision of the Court of Appeals of the District of Columbia in the case of Torrey against Wolfes, decided June 1, 1925, in which a similar restrictive covenant was involved. In that case the Appellate Court sustained the action of the trial court in granting a preliminary injunction.

Attorney George E. C. Hayes, who is representing the defendants, noted an appeal.

Whites Win First Skirmish In D. C. Segregation Case

WASHINGTON, D. C. (AFRO Bureau)—Justice A. A. Hoehling of the Supreme Bench of the District of Columbia has granted a temporary injunction restraining the sale of property affected by a restrictive covenant to colored persons.

The property is No. 139 Adams street northwest, which is in the Bloomingdale section. Frank N. and Lillian M. Sampalik, white, had agreed to sell this property to Russell K. Lyle, of 1821 Fourth street, northwest, and were taking preliminary steps to convey title to it to him when Frank L. and Martha L. Pile, all white, 135 Adams street, northwest, asked the court to prevent the sale.

In granting the injunction, Justice Hoehling said that he was being governed by the decision of the Court of Appeals of the District of Columbia in the case of Torrey against Wolfes, decided June 1, 1925 in which a similar restrictive covenant was involved. In that case the appellate court sustained the action of the trial court in granting a preliminary injunction.

Attorney George E. C. Hayes, who is representing the defendants, noted an appeal.

The temporary injunction restrains Frank N. and Lillian M. Sampalik from proceeding further with any sale, conveyance, lease or gift of the property at No. 139 Adams street, northwest, to Russell K. Lyle, or permitting him to use, occupy or obtain possession of it in violation of the covenant. It also restrains Lyle from occupying, purchasing or possessing the property.

Attorney Hayes contends that the covenant is a contract in unlawful restraint of alienation and is contrary to public. He says that the courts of the District of Columbia have never passed upon this question.

The covenant provides that "said lot shall never be rented, leased, sold, transferred or conveyed to any Negro or person of Negro blood, under penalty of $2,000, which shall be lien against said property." This covenant is made to run with the land.

Unlike the covenant in the Curtis case, it was not mutually signed by the owners of the property in this section. It was put in the deeds by Ray E. Middaugh and William E. Shannon who obtained title to the property in this section and improved it by the erection of a large number of dwellings and sold them subject to this restrictive agreement.

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SUPREME COURT DECISION SHOCKS RACE

Says It Has No Jurisdiction In Contract Case

Fight Will Be Made From Another Angle

Washington, May 24.—The right of white residents of Washington to enter into indentures of agreements against sale or conveyance of property to persons of Negro blood was sustained today by the United States Supreme Court in decision delivered by Associate Justice Sanford.

The effect of the judgment is to give legal sanction to practices established by white residents of the national capital to exclude from certain neighborhoods Negroes and other persons whom they regard as undesirables.

The Court dismissed for want of jurisdiction a case in which parties sought an appeal from decisions of the District courts, which had enjoined conveyence of real estate to a Negro perso becaue of an indenture or agreement inhibiting such conveyance. Today's decision leaves the injunction in force and prohibits the sale of a residence in the Northwest section of Washington to a woman described in the record as having Negro blood.

The case attracted wide attention because of the prospect that the decision might have vital effect on racial segregation laws in operation in many States. It was docketed as that of Mrs. Irene Hand Corrigan and Mrs. Helen Curtis. Otherwise known as Mrs. A. L. Curtis, appellants, vs. John J. Buckley. It was a suit in equity filed by Mr. Buckley in the District Supreme Court against Mrs. Corrigan and Mrs. Curtis to enjoin the conveyance of real estate from one of the defendants to the other. The plaintiff and Mrs. Corrigan are white, while Mrs. Curtis, the record states, is of the Negro race.

Agreed to Bar Negroes.

The record discloses that in 1921 several white persons, including Mr. Buckley and Mr. Corrigan, executed an indenture under which it was agreed that no part of certain tracts in this city should ever be used or occupied by, or sold, leased or given to, any person of the Negro race. This agreement was to run for twenty-one years.

In 1922 Mrs. Corrigan agreed to sell a lot with a dwelling to Mrs. Curtis.

N. A. A. C. P. Has Just Begun Its Fight On Segregation--Johnson

NEW YORK—Asked today what will be the next step taken by the N. A. A. C. P. in view of the fact that the U. S. Supreme Court ruled against the Association in the Curtis Segregation Case, James Weldon Johnson wired the AFRO-AMERICAN as follows.

As soon as we receive copy of opinion, National Legal Committee of the N. A. A. C. P. will confer regarding next step. Mr. Louis Marshall in talking with me this morning expressed belief that a new angle would be presented which to take up case again. His last words were "We have just begun to fight." Mr. Marshall words express the determination of the Association."

JAMES WELDON JOHNSON,
Secretary National Asso. Advancement
of Colored People, New York City.

GREENSBORO, N. C.,
MAY 31 1926

RACE RESIDENTIAL SEGREGATION VALID

Considerable publicity has been given to a decision of a justice of the District of Columbia Supreme Court (erroneously referred to as a justice of the United States Supreme court), in a case involving the right of property-owners to covenant that lands owned by them or one of them were not to be sold to negroes. This case, we anticipate, may ultimately find its way to the country's highest tribunal, but it has not done so as yet. It is of peculiar interest in the South by reason of its application in the matter of racial segregation in cities, and apparently it tends to sustain such a right when it is in the nature of an agreement between or among property-owners not to sell realty owned by them to negroes.

In the Washington case one John H. Buckley and Mrs. Irene Corrigan and others entered into and signed an agreement under the terms of which certain specified lands were not to be sold to negroes for 21 years. Later the woman, one of the parties to the covenant, sought to sell some of the land to a woman who is alleged to be a negress, whereupon Buckley filed suit to block the prospective sale and won the case in the District of Columbia courts. Mrs. Corrigan, the would-be vendor, and the negro woman contemplated vendee appealed the case. Claims by the appellants that such agreements were in contravention of the constitution and the general statutes were not sustained by the jurist presiding in the appellate court. The justice ruled that the contention that the covenant out of which the suit grew was void because forbidden by the 5th, 13th and 14th amendments to the federal constitution, was lacking in substance or color of merit. As to the contention of appellate that the indenture was void because "against public policy," the court ruled that this does not involve a constitutional question within the meaning of the code provision. The statutes cited by appellants to support their plea, "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property." Finally, the court dismissed the suit for want of jurisdiction.

This decision, unless overruled, seems clearly to sustain the right of citizens to enter into covenants the effects of which will be to establish racial segregation in cities. It is based primarily on the inviolability of a contract.

U. S. SUPREME COURT REFUSES TO INTERFERE IN CASES WHERE WHITES WROTE SEGREGATION CLAUSE INTO LAND TITLES. SAYS QUESTION NOT WITHIN COURT JURISDICTION

Washington, May 29—The Supreme Court Monday refused to interfere with the practice of white communities attempting to bar Negroes from buying their property.

In acting on a case where the owers on a fashionable Washington street had determined among themselves never to permit a Negro to occupy, use, lease or purchase any of their property, the court, in an opinion read by Justice Sanford, declined to pass on the validity of such arrangements on the ground that the controversy presented no question within its jurisdiction. It dismissed the case, leaving in force a decision of the lower courts here which held such agreements were constitutional and valid.

The validity of the covenant between the white property owners was attacked by a woman who had agreed to purchase property of the owners before the owner had determined she was of Negro blood. She contended it was in violation of the fifth, thirteenth and fourteenth amendments of the Constitution, but Justice Sanford determined that the court could find nothing in any of those amendments to sustain her contention.

The decision leaves open to those complaining further proceedings in the lower courts to force the sale provided she can find some other constitutional ground on which to proceed.

The case had attracted nation-wide attention especially from a number of cities in which the issue had been fought over locally.

THE SUPREME COURT DECISION

There is a good deal of widespread alarm over the recent action of the United States Supreme court in dismissing the Curtis case which involved the legality of an agreement among a number of Washington property holders not to sell, lease or rent their property to colored persons. In an opinion written by Justice Edward Terry Sanford the court held that there was no constitutional question involved and, therefore, it lacked jurisdiction in the case. The effect of the dismissal of the suit is to leave in force an injunction, issued by the supreme court of the District of Columbia, restraining Mrs. Irene Hand Corrigan (white) from selling and Mrs. Helen Curtis from buying the premises at Number 1727 S. street, N. W., Washington, D. C.

In the pleadings before the Supreme Court, Mrs. Curtis attacked the validity of the agreement between the white property owners, claiming that the agreement in itself was in violation of the fifth, thirteenth and fourteenth amendments to the Constitution. It was on this point that the court dismissed the case, Justice Sanford ruling that the fifth amendment was intended only as "a limitation upon the powers of the general government and not directed against the action of individuals." The thirtenth he outlined as denouncing slavery and involuntary servitude; and the fourteenth dealt only, he ruled, with state action and not with any action of private individuals."

The question of law involved in this case is too technical for lay discussion, and we will not throw discretion to the winds and heap condemnation upon the Supreme Court in a matter in which we are incompetent to judge. The difference of opinion expressed by trained legal minds on this particular question should point out to the unlearned in the ways of the law, that it is treading upon live coals to attempt to set up judgment as to whether or not the Supreme Court has offended. Law in its analysis and application is cold and unyielding to mere sentiment, and much as we would appreciate the invalidation of the un-American agreement made by Washington property owners, yet we are willing to accept the interpretation of the Supreme Court as to the application of the amendments which Mrs. Curtis sought to use as a legal prop.

The National Association for the Advancement of Colored People under whose wings the case now rests, should be supplied with ample funds to properly prosecute the case to a successful conclusion. The fact that the case is now dismissed by Supreme Court ruling will not stop the able lawyers retained by the N. A. A. C. P. from finding some other legal method to sustain the suit.

Surely if there is any one reason why Negroes everywhere should rally to the support of the N. A. A. C. P. it is abundantly evidenced in the constructive and needed program which the Association is now putting over, cited by complete and notable victories like the Sweet acquital in Detroit. An organization that can so marshall its defenses is entitled to serious consideration. And in like manner it should be readily seen that it is not impossible to turn the present reverse in the Curtis case to crowning victory.

We must learn to play the game in this battle of fighting for the right. When we are beaten by superior logic and brains it is not fair to flood the air with cries of "cheat." "The Herald" does not believe that the highest tribunal in the land would stoop to dodge an issue as in the present case after having taken high and holy ground in the Louisville segregation fight.

THE SUPREME COURT'S "JIM CROW" CASE

IF YOU HAVE RED HAIR, if your ancestors didn't come over in the *Mayflower*, or if you are too tall or too short there is nothing in the Constitution of the United States that will make it possible for you to acquire property in a section where residents or property owners have agreed among themselves to bar people with red hair, and so forth. This, at least, is the construction placed by editorial writers, facetious and otherwise, on the recent refusal of the Supreme Court to interfere with the established practise of owners of property in white neighborhoods agreeing among themselves not to sell or lease their property to "persons of African descent." According to the Washington *Post*:

"The unconstitutionality of such agreements was challenged in Washington in a suit brought by Helen Curtis, colored, to force completion of the sale to her of a house owned by Irene Hand Corrigan.

"The suit was begun in the District Supreme Court after the owner had refused to sell and then had been restrained from doing so by an injunction issued by the court at the instance of John J. Buckley. The injunction was issued on the ground that the white owners of the property on the street had agreed that none should sell to a colored person, and which, it was said, Mrs. Corrigan signed.

"The covenant, the Court held, was valid and did not invade the constitutional rights of colored people, inasmuch as they had the right to enter into agreements to keep white persons or other persons deemed undesirable out of colored neighborhoods.

"The fight aroused interest, which extended throughout the country, because of numerous segregation and restrictive laws passed in other communities, and was carried to the United State Supreme Court on the grounds that such covenants violated the constitutional rights guaranteed colored persons under the Fifth, Thirteenth, and Fourteenth amendments to the Constitution."

But, we read in a Washington dispatch to the Baltimore *Sun*:

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"Justice Sanford, who handed down the decision, declared the Court could find nothing in any of these Amendments to sustain the plaintiff's contention.

"The Fifth Amendment was described by Justice Sanford as a limitation upon the powers of the general Government, not directed against the action of individuals. The Thirteenth Amendment he outlined as denouncing slavery and involuntary servitude, but not in other matters protecting the individual rights of persons of the negro race. As to the contentions raised under the Fourteenth Amendment, the opinion said it had reference only to State action and not to any action of private individuals.

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In the opinion of the Richmond *Times-Dispatch*, "this decision is of far-reaching importance, because it settles forever the right of persons who develop urban or suburban property to place such restrictions upon real estate as have just been upheld in the Washington case." And in so far as Federal statutes or the Constitution are concerned, observes the Springfield *Republican*, "the United States Supreme Court can not be accused of race prejudice in this business." "The Afro-American," points out the Louisville *Times*, "has a citizen's rights, and in them should be protected." But, we read on—

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DISMISSES CURTIS CASE

(Washington Correspondent)

WASHINGTON, D. C., May 22.—The United States Supreme Court last Monday dismissed the Curtis case, which involved the legality of an agreement among a number of property holders not to sell, lease or rent their property to colored persons.

The court held that there was no constitutional question involved and, therefore, it lacked jurisdiction.

The effect of this decision is to leave in force an injunction, issued by the Supreme Court of the District of Columbia, restraining Mrs. Irene Hand Corrigan from selling and Mrs. Helen Curtis from buying the premises at No. 1727 S street, northwest.

Suit for an injunction was brought by John J. Buckley. He claimed that Mrs. Corrigan was one of thirty persons who had entered into a covenant June 3, 1924, running with the land, providing that no part of their property should ever be used or occupied by, or sold, leased or given to any person of the Negro race or blood for a period of 21 years.

On September 26, 1922, Mrs. Corrigan entered into a contract to sell her property to Mrs. Curtis. Mr. Buckley applied to the District Supreme Court for an injunction. Mrs. Corrigan and Mrs. Curtis filed motions to dismiss his bill on the ground that the covenant was unconstitutional and contrary to public policy. Their motions to dismiss were overruled. The defendants elected, to stand on their motions, and a final decree was entered enjoining the sale. The decision of the District Supreme Court was affirmed on appeal by the Court of Appeals of the district of Columbia.

Mrs. Corrigan and Mrs. Curtis then applied to the United States Supreme Court on the ground that a review was authorized in that the case involved the construction or application of the Constitution and certain statutes of the United States. This appeal was allowed in June, 1924. The case was argued in the Supreme Court on January 8, 1926.

The opinion of the court, rendered by Justice Sanford, is as follows:

"The mere assertion that the case is one involving the construction or application of the Constitution, and in which the construction of Federal laws is drawn in question, does not, however, authorize this Court to entertain an appeal; and it is our duty to decline jurisdiction if the record does not present such a constiutional or statutory question substantial in character and properly raised below. Sugarman v. U. S., 249 U. S. 182, 184; Zucht v. King, 260 U. S. 174, 176. And under well settled rules, jurisdiction is wanting if such questions are so unsubstantial as to be plainly without color of merit and frivolous. Wilson v. North Carolina, 169 U. S. 586, 595; Delmar Jockey Club v. Missouri, 210 U. S. 324, 335; Bindercup v. Pathe Exchange, 263 U. S. 291, 305; Moore v. New York Cotton Exchange, No. 200, decided April 12, 1926.

"Under the pleadings in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant, which is the basis of the bill, is "void" in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth Amendments. This contention is entirely lacking in substance or color of merit. The Fifth Amendment 'is a limitation only upon the powers of the General Government,' Talton v. Mayes, 163 U. S. 376, 382, and is not directed against the action of individuals. The Thirteenth Amendment denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another, does not in other matters protect the individual rights of persons of the Negro race. Hodges v. U. S., 203 U. S. 1, 16, 18. And the prohibitions of the Fourteenth Amendment 'his reference to state action exclusively, and not to any action of private individuals.' Virginia v. Rives, 100 U. S. 313, 318; U. S. v. Harris, 106 U. S. 629, 639. It is state action of a particular kind that is prohibited. Individual invasion of individual rights is not the subject-matter of the Amendment.' Civil Rights Cases, 109 U. S. 3, 11. It is obvious that none of the amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color for the contention that they rendered the indenture void. And, plainly, the claim urged in this Court that they were to be looked to, in connection with the provisions of the Revised Statutes and the decisions of the courts, in determining the contention, earnestly pressed, that the indenture is void as being 'against public policy', does not involve a constitutional question within the meaning of the code provision.

"The claim that the defendants drew in question the 'construction' of Sections 1977, 1978 and 1979 of the Revised Statutes, is equally unsubstantial. The only question raised as to these statutes under the pleadings was the assertion in the motion interposed by the defendant that it is forbidden by the laws enacted in aid and under the sanction of the Thirteenth and Fourteenth Amendments. Assuming that this contention drew in question the 'construction' of these statutes, as distinguished from their 'application,' it is obvious, upon their face, that while they provided, inter alia, that all persons and citizens shall have equal right with white citizens to make contracts and sequire property, they, like the constituional amendment under whose sanction they were enacted, do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property. There is no color for the contention that they rendered the indenture void; nor was it claimed in this Court that they had, in and of themselves, any such effect.

"We therefore conclude that neither the constitutional nor statutory questions relied on as grounds for the appeal to the court have any substantial quality or color of merit, or afford any jurisdictional basis for the appeal.

"And while it was further urged in this Court that the decrees of the courts below in themselves deprived the defendants of their liberty and property without due process of law, in violation of the Fifth and Fourteenth Amendments, this contention likewise cannot serve as a jurisdictional basis for the appeal. Assuming that such a contention, if of a substantial character, might have constituted ground for an appeal under paragraph 3 of the code provision, it was not raised by the petition for the appeal or by any assignment of error, either in the Court of Appeals or in this Court; and it likewise is lacking in substance. The defendants were given a full hearing in both courts; they were not denied any constitutional or statutory right; and there is no semblance of ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of mere spoliation. See Delmar Jockey Club v. Missouri, supra, 335. Mere error of a court, if any there be in a judgment entered after a full hearing, does not constitute a denial of due process of law. Central Land Company v. Laidley, 159 U. S. 103, 112, Jones v. Buffalo Creek Coal Co., 245 U. S. 328, 329.

"It results that, in the absence of any substantial constitutional or statutory question giving us jurisdiction of this appeal under the provisions of section 250 of the Judicial Code, we cannot determine upon the merits of the contentions earnestly pressed by the defendants in this Court that the indenture is not only void because contrary to public policy, but is also of such a discriminatory character that a court of equity will not lend its aid by enforcing the specific performance of the covenant. These are questions involving a consideration of rules not expressed in any constitutional or statutory provision, but claimed to be part of the common or general law in force in the District of Columbia; and, plainly, they may not be reviewed under this appeal unless jurisdiction of the case is otherwise acquired.

"Hence, without a consideration of these questions, the appeal must be, and is, dismissed for want of jurisdiction."

SUPREME COURT STRADDLES CASE

WASHINGTON, May 26.—The supreme court today refused to interfere with the practice of white communities in agreeing to bar Negroes from buying their property.

In acting upon a case where the owners on a fashionable Washington street had determined among themselves never to permit a Negro to occupy, use, lease or purchased any of their property, the court, in an opinion read by Justice Sanford, declined to pass upon the validity of such arrangements on the ground that the controversy presented no question within its jurisdiction.

It dismissed the case, leaving in force a decision of the lower courts here which held such agreements were constitutional and valid.

The validity of the covenant between the white property owners was attacked by a woman who had agreed to purchase from one of the owners before the owner had determined she was of Negro blood. She contended it was in violation of the fifth, thirteenth and fourteenth amendments to the constitution, but Justice Sanford declared the court could find nothing in any of those amendments to sustain her contention.

NEW YORK CITY HERALD
MAY 25, 1926

Washington's 'Jim Crow' Land Law Sustained

U. S. Supreme Court Leaves Injunction in Force Against Sale of Restricted Property to a Negro

Is Not Unconstitutional

Due Process of Law Not Denied; High Bench Is Without Jurisdiction

From the New York Herald Tribune's Washington Bureau

WASHINGTON, May 24.—The United States Supreme Court decided to-day that white residents of the District of Columbia may enforce an agreement against sale or conveyance of District property to Negroes.

The court, in an opinion by Associate Justice Sanford, dismissed for want of jurisdiction an appeal from the courts of the District of Columbia. The District Supreme Court and the Court of Appeals had enjoined conveyance of certain real estate to a Negro by reason of an agreement against such a conveyance. The injunction, therefore, remains in force.

The case has attracted much attention here and elsewhere. Irene Corrigan and Helen Curtis, otherwise known as Mrs. A. L. Curtis, were appellants against John J. Buckley, who had sued in equity in the Supreme Court of the District to enjoin Irene Corrigan, white, from conveying certain real estate to Mrs. Curtis, a Negro.

In 1921 certain white persons, including Buckley and Irene Corrigan, had executed an indenture which agreed that no part of certain tracts in Northwest Washington should ever be used or occupied by or sold, leased or given to a Negro. This was to hold good for twenty-one years. In 1922 Irene Corrigan agreed to sell a lot and dwelling to Mrs. Curtis. Buckley got an injunction.

Irene Corrigan, in the lower court, moved to dismiss the bill on the ground that the indenture was void. Mrs. Curtis also moved to dismiss, holding the covenant void in violation of the Constitution.

The Supreme Court said: "Under the pleadings in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant which is the basis of the bill is void in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth Amendments. This contention is entirely lacking in substance or color of merit."

Mr. Curtis contended that sections

1977-8-9 of the Revised Statutes forbade such an indenture. The Supreme Court held that these statutes "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."

The court also rejected the contention that the decrees of the courts below in themselves deprive the defendants of their liberty and property without due process of law in violation of the fifth and fifteenth amendments.

"The defendants were given a full hearing in both courts," say the Supreme Court. "They were not denied any constitutional or statutory right, and there is no semblance of ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of mere spoliation."

N Y E WORLD
MAY 25, 1926

NEGRO EXCLUSION UPHELD BY COURT

Supreme Court Refuses to Void Injunction Against Sale of Home in Capital

ONLY WHITES ALLOWED IN

Agreement to Restrict Property Held Constitutional

From The World's Bureau
Special Despatch to The World

WASHINGTON, May 24—The right of white property owners by agreements to prevent sale of property to Negroes was upheld by the Supreme Court to-day in a case carried up from the lower courts of the District of Columbia. An injunction prohibiting the sale of a house and lot to a Negro in an area restricted by an agreement of certain citizens was left in force. Various Negro organizations made the fight before the courts. Among their attorneys were Moorfield Storey, Louis Marshall, Arthur B. Spingarn, Herbert K. Stockton, William H. Lewis and Henry E. Davis.

Associate Justice Sanford read the opinion, which dismissed the case of Irene Hand Corrigan and Helen Curtis against John J. Buckley. The District Supreme Court and the Court of Appeals here had enjoined the transfer of certain real estate to a Negro woman because of an agreement against such conveyances. This opinion stands.

This case has attracted nation-wide attention. Mrs. Corrigan, white, sold and tried to convey to Mrs. Curtis, Negro, a home. Several years ago a number of white persons, among them Mrs. Corrigan and Mr. Buckley, executed an indenture which asserted that no parts of certain tracts of land in Northwest Washington should be sold to or used by any Negro. This agreement was to continue for twenty-one years.

Mrs. Corrigan contended in the lower courts that the agreement was void because it violated the due process provisions of the Constitution.

The Court to-day said:

"Under the pleadings in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant, which is the basis of the bill, No. 42, is void in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth Amendements. This contention is entirely lacking in substance or color of merit.

"It is obvious that none of these amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void. And, plainly, the claim, urged in this court, that they were to be looked to in connection with the provisions of the revised statutes and the decisions of the courts in determining the contention earnestly pressed that the indenture is void as 'against public policy' does not involve a constitutional question within the meaning of the code provision."

The defendant Curtis argued that section 1977-8-9 of the Revised Statutes forbade such an indenture. The Supreme Court said these statutes "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."

Take Advantage of Jim Crow Court Decision

An advertisement was last week inserted in the Washington, D. C., Star, advertising homes for sale in a "restricted" residential district and citing the supreme court decision lately rendered in the case fought by the N. A. A. C. P.

The avertisement reads as follows: "Attention, white home buyers! The largest restricted white community in Washington invites your attention to the decision of the U. S. supreme court that Negroes cannot buy in a restricted white section."

The consensus of opinion among attorneys is that the supreme court failed to pass on the issue of white property owners' segregation.

NEW YORK CITY TIMES
MAY 25, 1926

COURT UPHOLDS BAN ON SALE TO NEGROES

Sustains Agreement of Washington Owners to Sell Property Only to Whites.

BACKS DISTRICT TRIBUNALS

Decision Denies Contention That the Indenture Violates the Constitution.

Special to The New York Times.

WASHINGTON, May 24.—The right of white residents of Washington to enter into indentures or agreements against sale or conveyance of property to persons of negro blood was sustained today by the United States Supreme Court in decision delivered by Associate Justice Sanford.

The effect of the judgment is to give legal sanction to practices established by white residents of the national capital to exclude from certain neighborhoods negroes and other persons whom they regard as undesirable.

The Court dismissed for want of jurisdiction a case in which parties sought an appeal from decisions of the District courts, which had enjoined conveyance of real estate to a negro person because of an indenture or agreement inhibiting such conveyance. Today's decision leaves the injunction in force and prohibits the sale of a residence in the northwest section of Washington to a woman described in the record as having negro blood.

The case attracted wide attention because of the prospect that the decision might have vital effect on racial segregation laws in operation in many States. It was docketed as that of Mrs. Irene Hand Corrigan and Mrs. Helen Curtis. otherwise known as Mrs. A. L. Curtis, appellants, vs. John J. Buckley. It was a suit in equity filed by Mr. Buckley in the District Supreme Court against Mrs. Corrigan and Mrs. Curtis to enjoin the conveyance of real estate from one of the defendants to the other. The plaintiff and Mrs. Corrigan are white, while Mrs. Curtis, the record states, is of the negro race.

Agreed to Bar Negroes.

The record discloses that in 1921 several white persons, including Mr. Buckley and Mrs. Corrigan, executed an indenture under which it was agreed that no part of certain tracts in this city should ever be used or occupied by, or sold, leased or given to, any person of the negro race. This agreement was to run for twenty-one years.

In 1922 Mrs. Corrigan agreed to sell a lot with a dwelling to Mrs. Curtis.

In the lower court Mrs. Corrigan moved to dismiss the bill to enjoin the sale on the ground that the indenture was void. Mrs. Curtis also held that the indenture was void because it was in violation of the due process clause of the Constitution. The District Supreme Court enjoined, as prayed for. This was affirmed by the Court of Appeals and an appeal to the Supreme Court was then sought.

"Under the pleadings in the present case," the Supreme Court said, "the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant which is the basis of the bill is void, in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth amendments. This contention is entirely lacking in substance or color of merit."

Following a discussion of these amendments the court proceeded:

"It is obvious that none of these amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void. And, plainly, the claim urged in this court that they were to be looked to in connection with the provisions of the revised statutes and the decisions of the courts in determining the contention earnestly pressed that the indenture is void as 'against public policy' does not involve a constitutional question within the meaning of the code provision."

Validity of Agreement Upheld.

It is contended by the defendant, Mrs. Curtis, that Sections 1977-8-9 of the revised statutes forbade such an indenture. The Supreme Court held that these statutes "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."

"We therefore conclude," said the court, "that neither the constitutional nor statutory questions relied upon as grounds for the appeal to this court have any substantial quality or color of merit."

The court also denied the contention of the defendants that the decrees of the courts below in themselves deprived the defendants of their liberty and property without due process of law.

"The defendants were given a full hearing in both courts," said the decision. "They were not denied any constitutional or statutory right, and there is no semblance of ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of mere spoliation."

Justice Sanford concluded the opinion by dismissing the case for want of jurisdiction.

Court Dismisses Suit in Negro Property Case

Washington, May 24.—(AP)—The supreme court today refused to interfere with the practice of white communities in agreeing to bar negroes from buying their property.

In acting upon a case where the owners of a fashionable Washington street had determined among themselves not to allow a negro to occupy, use, lease or purchase any of their property, the court, in an opinion read by Justice Sanford, declined to pass upon the validity of such arrangements on the ground that the controversy presented no question within its jurisdiction. It dismissed the case, leaving in force a decision of the lower courts here which held such agreements were constitutional and valid.

The validity of the covenant between the white property owners was attacked by a woman who had agreed to purchase from one of the owners before the owner had determined she was of negro blood. She contended it was in violation of the fifth, thirteenth and fourteenth amendments to the constitution, but Justice Sanford declared the court could find nothing in any of those amendments to sustain her contention.

The fifth amendment was described by Justice Sanford as a limitation upon the powers of the general government, not directed against the action of individuals. The thirteenth amendment he outlined as denouncing slavery and involuntary servitude but not in other matters protecting the individual rights of persons of the negro race.

As to the contentions raised under the fourteenth amendment, the opinion said it had reference only to state action and not to any action of private individuals.

For these reasons, Justice Sanford said the constitutional amendments cited did not cover such transactions as that complained of and did not bring before the court a question upon which it had jurisdiction to consider its merits.

The decision leaves open to the complainant further proceedings in the lower courts to force the sale provided she can find some other constitutional ground upon which to proceed.

The case had attracted nation-wide attention, especially from a number of cities in which the issue had been fought over locally.

Segregation - 1926

D. C.

HIGH COURT THROWS OUT CURTIS CASE

Lack of Jurisdiction Is Given as Cause

By LOUIS R. LAUTIER
(Washington Correspondent)

Washington, D. C., May 28.—The United States supreme court last Monday dismissed the Curtis case, which involved the legality of an agreement among a number of property holders not to sell, lease or rent their property to persons of our Race.

The court held that there was no constitutional question involved and, therefore, it lacked jurisdiction.

The effect of this decision is to leave in force an injunction issued by the supreme court of the District of Columbia restraining Mrs. Irene Hand Corrigan from selling and Mrs. Helen Curtis from buying the premises at 1727 S St. N. W.

Agrees to Sell

Suit for an injunction was brought by John J. Buckley. He claimed that Mrs. Corrigan was one of 30 persons who had entered into a covenant June 1, 1921, running with the land, providing that no part of their property should ever be used or occupied by, or sold, leased or given to any person of the "Negro Race or blood" for a period of 21 years.

On Sept. 26, 1922, Mrs. Corrigan entered into a contract to sell her property to Mrs. Curtis. Buckley applied to the District supreme court for an injunction. Mrs. Corrigan and Mrs. Curtis filed motions to dismiss his bill on the grounds that the covenant was unconstitutional and contrary to public policy. Their motions to dismiss were overruled. The defendants elected to stand on their motion and a final decree was entered enjoining the sale. The decision of the District supreme court was affirmed on appeal by the court of appeals of the District of Columbia.

Mrs. Corrigan and Mrs. Curtis then appealed to the United States supreme court on the ground that a review was authorized in that the case involved the construction or application of the Constitution and certain statutes of the United States. This appeal was allowed in June, 1924. The case was argued in the supreme court on Jan. 8, 1926.

Cites Precedents

The opinion of the court, rendered by Justice Sanford, is as follows:

"The mere assertion that the case is one involving the construction or application of the Constitution, and in which the construction of federal laws is drawn in question, does not, however, authorize the court to entertain an appeal; and it is our duty to decline jurisdiction if the record does not present such a constitutional or statutory question substantial in character and properly raised below. (Sugarman vs. U. S., 249 U. S. 182, 184; Zucht vs. King, 260 U. S. 174, 176). And under well settled rules, jurisdiction is wanting if such questions are so insubstantial as to be plainly without color of merit and frivolous. (Wilson vs. North Carolina, 169 U. S. 586, 595; Delmar Jockey Club vs. Missouri, 210 U. S. 324, 335; Bindercup vs. Pathe Exchange, 263 U. S. 291, 305; Moore vs. New York Cotton Exchange, No. 200, decided April 12, 1926.)

"Under the pleading in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant, which is the basis of the bill, is 'void' in that it is contrary to and forbidden by the 5th, 13th and 14th amendments. This contention is entirely lacking in substance or color of merit. The 5th amendment 'is a limitation only upon the powers of the general government,' (Talton vs. Mayes, 163 U. S. 376, 382), and is not directed against the action of individuals. The 13th amendment denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another, does not in other matters protect the individual rights of persons of the Negro race. (Hodges vs. U. S., 203 U. S. 1, 16, 18). And the prohibitions of the 14th amendment 'have reference to state action exclusively, and not to any action of private individuals.' (Virginia vs. Rivers, 100 U. S. 313, 318; U. S. vs. Harris, 106 U. S. 629, 639). 'It is state action of a particular kind that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment.' (Civil rights cases, 109 U. S. 3, 11.) It is obvious that none of the amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color for the contention that they rendered the indenture void. And, plainly, the claim urged in this court that they were to be looked to, in connection with the provisions of the revised statutes and the decisions of the courts, in determining the contention, earnestly pressed, that the indenture is void as being 'against public policy,' does not involve a constitutional question within the meaning of the code provision.

Claim Unsubstantial

"The claim that the defendants drew in question the 'construction' of Sections 1977, 1978 and 1979 of the revised statutes, is equally unsubstntial. The only question raised as to these statutes under the pleadings was the assertion in the motion interposed by the defendant Curtis, that the indenture is void in that it is forbidden by the laws enacted in aid and under the sanction of the 13th and 14th amendments. Assuming that this contention drew in question the 'construction' of these statutes, as distinguished from their 'application,' it is obvious, upon their face, that while they provided, inter alia, that all persons and citizens shall have equal right with white citizens to make contracts and acquire property, they, like the constitutional amendment under whose sanction they were enacted, do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property. There is no color for the contention that they rendered the indenture void; nor was it claimed in this court that they had, in and of themselves, any such effect.

"We therefore conclude that neither the constitutional nor statutory questions relied on as grounds for the repeal to the court have any substantial quality or color of merit, or afford any jurisdictional basis for the appeal.

See Violations

"And while it was further urged in this court that the decrees of the courts below in themselves deprived the defendants of their liberty and property without due process of law, in violation of the fifth and 14th amendments, this contention likewise cannot serve as a jurisdictional basis for the appeal. Assuming that such a contention, if of a substantial character, might have constituted ground for an appeal under paragraph 3 of the code provision, it was not raised by the petition for the appeal or by any assignment of error, either in the court of appeals or in this court; and it likewise is lacking in substance. The defendants were given a full hearing in both courts; they were not denied any constitutional or statutory right, and there is no semblance of ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of mere spoliation. (See Delmar Jockey Club vs. Missouri, supra, 335.) Mere error of a court, if any there be, in a judgment entered after a full hearing, does not constitute a denial of due process of law. (Central Land company vs. Laidley, 159 U. S. 103, 112; Jones vs. Buffalo Creek Coal Co., 245 U. S. 328, 329.)

"It results that in the absence of any substantial constitutional or statutory question giving us jurisdiction of this appeal under the provisions of section 250 of the judicial code, we cannot determine upon the merits of the contentions earnestly pressed by the defendants in this court that the indenture is not only void because contrary to public policy, but is also of such a discriminatory character that a court of equity will not lend its aid by enforcing the specific performance of the covenant. These are questions involving a consideration of rules not expressed in any constitutional or statutory provision, but claimed to be a part of the common or general law in force in the District of Columbia; and, plainly, they may not be reviewed under this appeal unless jurisdiction of the case is otherwise acquired.

"Hence, without a consideration of these questions, the appeal must be, and is, dismissed for want of jurisdiction."

Supreme Court Upholds Negro Exclusion; Bars Sale of Home in White District

EVENING WORLD
MAY 25, 1926

Prior Agreement to Restrict Property Held Constitutional

WASHINGTON, May 25.—The right of white property owners by agreements to prevent sale of property to Negroes was upheld by the Supreme Court yesterday in a case carried up from the lower courts of the District of Columbia. An injunction prohibiting the sale of a house and lot to a Negro in an area restricted by an agreement of certain citizens was left in force. Various Negro organizations made the fight before the courts. Among their attorneys were Moorfield Storey, Louis Marshall, Arthur B. Spingarn, Herbert K. Stockton, William H. Lewis and Henry E. Davis.

Associate Justice Sanford read the opinion, which dismissed the case of Irene Hand Corrigan and Helen Curtis against John J. Buckley. The District Supreme Court and the Court of Appeals here had enjoined the transfer of certain real estate to a Negro woman because of an agreement against such conveyances. This opinion stands.

This case has attracted nation-wide attention. Mrs. Corrigan, white, sold and tried to convey to Mrs. Curtis, Negro, a home. Several years ago a number of white persons, among them Mrs. Corrigan and Mr. Buckley, executed an indenture which asserted that no parts of certain tracts of land in Northwest Washington should be sold to or used by any Negro. This agreement was to continue for twenty-one years.

Mrs. Corrigan contended in the lower courts that the agreement was void because it violated the due process provisions of the Constitution.

The defendant Curtis argued that section 1977-8-9 of the Revised Statutes forbade such an indenture. The Supreme Court said these statutes "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."

COURT UPHOLDS BAN ON SALE TO NEGROES

Sustains Agreement of Washington Owners to Sell Property Only to Whites.

BACKS DISTRICT TRIBUNALS

Decision Denies Contention That the Indenture Violates the Constitution.

Special to The New York Times.

WASHINGTON, May 24.—The right of white residents of Washington to enter into indentures or agreements against sale or [illegible] property to persons of negro blood was sustained today by the United States Supreme Court in decision delivered by Associate Justice Sanford.

The effect of the judgment is to give legal sanction to practices established by white residents of the national capital to exclude from certain neighborhoods negroes and other persons whom they regard as undesirable.

The Court dismissed for want of jurisdiction a case in which parties sought an appeal from decisions of the District courts, which had enjoined conveyance of real estate to a negro person because of an indenture or agreement inhibiting such conveyance. Today's decision leaves the injunction

in force and prohibits the sale of a residence in the northwest section of Washington to a woman described in the record as having negro blood.

The case attracted wide attention because of the prospect that the decision might have vital effect on racial segregation laws in operation in many States. It was docketed as that of Mrs. Irene Hand Corrigan and Mrs. Helen Curtis, otherwise known as Mrs. A. L. Curtis, appellants, vs. John J. Buckley. It was a suit in equity filed by Mr. Buckley in the District Supreme Court against Mrs. Corrigan and Mrs. Curtis to enjoin the conveyance of real estate from one of the defendants to the other. The plaintiff and Mrs. Corrigan are white, while Mrs. Curtis, the record states, is of the negro race.

Agreed to Bar Negroes.

The record discloses that in 1921 several white persons, including Mr. Buckley and Mrs. Corrigan, executed an indenture under which it was agreed that no part of certain tracts in this city should ever be used or occupied by, or sold, leased or given to, any person of the negro race. This agreement was to run for twenty-one years.

In 1922 Mrs. Corrigan agreed to sell a lot with a dwelling to Mrs. Curtis.

In the lower court Mrs. Corrigan moved to dismiss the bill to enjoin the sale on the ground that the indenture was void. Mrs. Curtis also held that the indenture was void because it was in violation of the due process clause of the constitution. The District Supreme Court enjoined, as prayed for. This was affirmed by the Court of Appeals and an appeal to the Supreme Court was then sought.

"Under the pleadings in the present case," the Supreme Court said, "the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant which is the basis of the bill is void, in that it is contrary to and forbidden by the Fifth, Thirteenth and Fourteenth amendments. This contention is entirely lacking i nsubstance or color of merit."

Following a discussion of these amendments the Court proceeded:

"It is obvious that none of these amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void. And, plainly, the claim urged in this court that they were to be looked to in connection with the provisions of the revised statutes and the decisions o fthe courts in determining the contention earnestly pressed that the indenture is void as 'against public policy' does not involve a constitutional question within the meaning of the code provision."

Validity of Agreement Upheld.

It is contended by the defendant, Mrs. Curtis, that Sections 1977-8-9 of the revised statutes forbade such an indenture. The Supreme Court held that these statutes "do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."

"We therefore conclude," said the Court, "that neither the constitutional nor statutory questions relied upon as grounds for the appeal to this court have any substantial quality or color of merit."

The court also denied the contention of the defendants that the decrees of the courts below in themselves deprived the defendants of their liberty and property without due process of law.

"The defendants were given a full hearing in both courts," said the decision. "They were not denied any constitutional or statutory right, and there is no semblance of ground for any contention that the decrees were so plainly arbitrary and contrary to law as to be acts of here spoliation."

Justice Sanford concluded the opinion by dismissing the case for want of jurisdiction.

D. C. SEGREGATION ISSUE FLARES UP AGAIN

Whites Sue To Enforce Covenant Against Colored Renter

WASHINGTON, D. C., (Afro Bureau)—The first legal action to enforce a covenant prohibiting the sale or rental of property to colored persons since the refusal of the Supreme Court of the United States to review the decision of the Court of Appeals of the District of Columbia holding such agreements valid, was filed in the District Supreme Court last week.

It was brought by Frank S. Wallace, 75 Randolph place, northwest, Francis J. P. and Ann Frances Cleary, 45 Randolph place; Charles J. and Martha S. Brim, 47 Randolph place; Agnes Ramsay, 66 Randolph place; Mary E. Ragan, 55 Randolph plcae, and Henry Hoiby, 63 Randolph place.

They seek to enjoin Edward J. Russell, 1446 Harvard street, northwest, from leasing the premises at No. 77 Randolph place, northwest, to a colored person, whose identity they say, is unknown to them.

The person bringing this suit claim that on February 6, 1926, the property owners in the Bloomingdale section in Randolph street, between North Capitol and First Sts., northwest, including the plaintiffs and the defendant, entered into a covenant that no part of the land then owned by the persons signing it shall ever be used, occupied by or sold, leased or rented to colored persons. This covenant runs with the land and binds their heirs and assigns for a period of 21 years.

The plaintiffs declare that Russell has entered into an agreement to lease the premises at No. 77 Randolph place, northwest, to a colored person, and that this colored person is about to enter into possession of this property. He has been seen inspecting the premises, they say, and a few pieces of furniture and household articles have been moved into the house.

They ask the District Supreme Court to enjoin Russell from conveying his property, or renting leasing, or transferring possession of it in any manner to any colored person.

They are represented by Attorneys F. O.'Donoughue and Harry A. Grant.

SUPREME COURT DISMISSES THE CURTIS APPEAL

Segregation Case Thrown Out For Want of Jurisdiction

DECISION OKEYS PROPERTY AGREEMENT

Right To Place Restrictive Clauses In Deeds Is Upheld

WASHINGTON, D. C.—The United States Supreme Court last Monday dismissed the Curtis case, which involved the legality of an agreement among a number of property holders not to sell, lease or rent their property to colored persons.

The court held that there was no constitutional question involved and, therefore, it lacked jurisdiction.

The effect of this decisor is to leave in force an injunction, issued by the Supreme Court of the District of Columbia, restraining Mrs. Irene Hand Corrigan from selling and Mrs. Helen Curtis from buying the premises at No. 1727 S street, northwest.

Suit for an injunction was brought by John J. Buckley. He claimed that Mrs. Corrigan was one of thirty persons who had entered into a covenant June 1, 1921 running with the land, providing that no part of their property should ever be used or occupied by, or sold, leased or given to any person of the Negro race or blood for a period of 21 years.

On September 26, 1922, Mrs. Corrigan entered into a contract to sell her property to Mrs. Curtis. Mr. Buckley applied to the District Supreme Court for an injunction. Mrs. Corrigan and Mrs. Curtis filed motions to dismiss his bill on the grounds that the covenant was unconstitutional and contrary to public policy. Their motions to dismiss were overruled. The defendants elected to stand on their motions, and a final decree was entered enjoining the sale. The decision of the Disrict Supreme Court was affirmed on appeal by the Court of Appeals of the District of Columbia.

Mrs. Corrigan and Mrs. Curtis then appealed to the United States Supreme Court on the ground that a review was authorized in that the case involved the construction or application of the Constitution and certain statutes of the United States. This appeal was allowed in June, 1924. The case was argued in the Supreme Court on January 8, 1926.

The Supreme Courts decision will be found in full in another part of this paper.

J-CROW PACTS HOLD

U. S. SUPREME COURT CLAIMS NO JURISDICTION OVER WHITE AGREEMENTS TO BAR COLORED TENANTS OR OWNER AT WASHINGTON, D. C.—MRS. CURTIS CASE FALLS.

WASHINGTON, May 24, 1926—The Supreme Court today refused to interfere with the practice of white communities in agreeing to bar colored people from buying property.

In acting upon a case where the owners on a fashionable Washington street had determined among themselves never to permit colored persons to occupy, use, lease or purchase any of their property, the court, in an opinion read by Justice Sanford, declined to pass upon the validity of such arrangements on the ground that the controversy presented no question within its jurisdiction.

It dismissed the case, leaving in force a decision of the lower courts here, which held such agreements were constitutional and valid.

The validity of the covenant between the white property owners was attacked by Mrs. Curtis, who had agreed to purchase from one of the owners before the owner had determined she was of colored blood. She contended it was in violation of the fifth, thirteenth and fourteenth amendments to the Constitution, but Justice Sanford declared the court could find nothing in any of those amendments to sustain her contention.

Individuals Can Do As They Please—No "Pursuit of Happiness"

When the case came on, Mrs. Corrigan contended that inasmuch as she had entered into an agreement with one group of American citizens to keep another group from enjoying, "life, pleasure, and the pursuit of happiness,' she had done something contrary to the fine spirit of the law of the land. On this grounds she asked that her contract with the white property owners be declared null and void as "contrary to, and in violation of the constitution," citing the fifth, fourteenth and thirteenth amendments.

The fifth amendment, according to the opinion handed down, is a limitation only upon the powers of the federal or general government, and is not directed against the action of individuals.

Segregation- 1926

JAIL VANDALS IN BURNING OF FLA. PROPERTY

Members Of Mob That Fired Realty Office In Exclusion Fight Identified

FIRED SHOTS INTO HOME OF NEGRO WHO WON'T GO

Special Officers Hired To Guard Property Were Absent During Attack. Opposition To Negro Homes

TAMPA, Fla., Feb. 2—Three members of a mob which burned the real estate office of a colored subdivision in Washington Park, Thursday and fired shots into the house of R. B. Dobey, colored, have been arrested and warrants have been issued for the arrest of five others. The men held were each released on $50 bond. Their hearing was postponed until Wednesday.

Previous Attacks

The recent mob action was the sequel to a bitter opposition by whites in the vicinity of Washington Park, who are allied under the West Side Improvement Association, against the development of a Negro subdivision in West Tampa. The residence of a Negro near the development was burned about two weeks ago. At the same time a mob of about 50 whites threatened Dobey, burned a huge cross in his front yard and gave him 48 hours to leave his home. Dobey, however, has remained in his house.

Open Outlawry

In the attack Thursday Laxity on the part of the law was plainly evident. Four officers specially sworn in to protect the property were said to be absent at the time and the incident was not reported to the police headquarters until many hours after its occurrence. Two officers, N. C. Kelly and E. P. Hale admitted that they were forced to leave by the incendiaries.

The story of the affair related that the mob went to Washington Park and warned the owners of their plans. About fifty whites were said to have been in the mob. After ordering the two officers away the mob applied a torch to the real estate office. They then rode pass Dobey's house several times in a dozen automobiles. A volley of shots were fired into Dobey's house. Dobey who was at home, escaped, uninjured.

Clews to the identity of the men who burned the building were furnished by special officer. Those arrested were Buddy Riles, R. Vepzel and F. W. Geir. The charges against the two are disturbing the peace, resisting arrest and discharging firearms within the city limits. A charge of arson was not made. Detectives have been detailed to round up the five suspects.

Aged Negro Flower Seller Tarred and Feathered by Mob

JACKSONVILLE, Fla., Feb. 7—Mrs. Eleana Malphus, 62-year old Negro flower seller, was taken from her home by a band of masked men and tarred and feathered because she refused to sell her home, which is in a "restricted neighborhood."

Burn Negro Realtor's Office in Florida

TAMPA, Fla., Feb. 1.—Fifty white men set fire to the sales office of a Negro subdivision at Washington Park, a northwestern suburb of Tampa, and drove off four special policemen there Thursday night.

There have been repeated protests against the proposed subdivision, and J. M. Dobie, a property owner, recently reported various threats, including the placing of a fiery cross before his home.

Tampa Mob Burns Office of Negro Real Estate Man

—o—

Tampa, Fla., Feb. 2.—An unmasked mob of approximately fifty white men set fire to the office of a Negro real estate promoter, who is engaged in the development of a sub-division for colored people at Washington Park, a northwest suburb of Tampa. The men circled about the blazing building and warned off three motorcycle policemen with drawn guns. They remained on the scene until the building was completely destroyed and then left a warning posted in front of the destroyed office advising the realtor, J. M. Dobie, to give up the project and leave town.

The burning of the office is believed to be the culmination of repeated protests against the development of a Negro sub-division in Tampa. Dobie and other colored real estate men have repeatedly been warned by unsigned letters to give up the idea of a colored settlement on the Florida beach. Two weeks ago, following a raid in the colored section, a fiery cross was burned in front of Dobie's office, but he disregarded the warning. The police department has promised protection for colored property owners, but has failed to provide it.

MOB'S TORCH SENDS OFFICE UP IN SMOKE

Tampa, Fla., Feb. 5.—Attempting to ward off plans inaugurated by members of our Race for a subdivision at Washington Park, a northwestern suburb of Tampa, 50 white men set fire to the realty office recently constructed as headquarters to promote sales.

There have been repeated protests against the proposed subdivision and J. M. Dobie, realtor, prominent, recently reported various threats, including the placing of a fiery cross in front of his home.

The whites drove to the realty office early in the afternoon, parked their cars a block away and applied kerosene and a match, then formed a line preventing interference by policemen, who were driven away at the point of guns. A special detachment of motorcycle officers arrived later to find the office in ashes and the mob gone.

According to information from reliable sources, a plan is on foot to obtain by threat all valuable property owned by our people for promotional purposes among the whites since the Florida realty boom began months ago. Northern capital has thus far squeezed out southern interest in the most choice subdivisions in white sections, reaping a harvest of gold, and what remains now for speculation is largely held by members of the Race.

Mob actions and other methods of threat characteristic of the South have been invoked to frighten away Race men from their holdings, and in some communities families have been driven out and ordered not to return upon penalty of death. Conditions have reached such a stage in certain suburbs that committees have been formed to hold a conference with the governor for the purpose of obtaining proper and adequate protection both night and day.

Negroes In Tampa Ask For Protection

Tampa, Fla.—Following appeals for protection to the Tampa city commission Tuesday by negro residents and delegations from three negro organizations, city and county officers Wednesday were pushing a search for a reported band of night-riders, which the negroes said had warned several of their number to quit the city. City officials charged that the night-riders have been acting under the instigation of real estate operators who would force the negroes to sell their belongings and make way for sub-divisions.

R. C. Doby, an aged negro, told Mayor Perry C. Wall that he was visited by the band which, after burning a cross before his home, warned him to leave the city within 48 hours. They then left his place, Doby said, and set fire to a negro neighobr's home.

Police were detailed to protect the negro, with orders to shoot to kill any one attempting to molest him or his property.

After delegations representing the Inter-Denominational Ministers' Alliance, the Tampa Urban League and the Business and Professional Men had visited the commission, instructions were issued that the band of night-riders was to be rounded up and every protection afforded the negro residents.

Belief that real estate operators were behind the night-riders, investigators said, was based on the fact that several attempts recently have been made to develop a sub-division which have met with failure because of negro occupants of the property.

IN DARKEST FLORIDA THINGS HAPPEN UNDREAMED OF IN SOCIAL PHILOSOPHY

The Birmingham Sunday News

Such outrages as this, reported from Tampa, will go very far to hasten the Negro exodus from the South to the North:

Following protests against the establishment of a Negro subdivision at Washington Park, located in the northwestern section of Tampa, a band of approximately 50 white men set fire to the sales office on the property last night and drove away four special policemen detailed there.

An official statement issued at police headquarters this afternoon said the men visited the scene late yesterday, but no report was made to officials until today.

J. M. Debie, Negro property owner in that section, who had been threatened previously, called on the police for protection, saying men in automobiles had repeatedly driven past his home and that he expected trouble.

Several weeks ago a fiery cross was placed before his home and he was warned to move, he told authorities. Motorcycle officers have been assigned to the district.

This happens in the twentieth century, supposed to be the beginning of the foothills that are to lead us to the summits of civilization.

Not content merely to segregate the Negroes and keep them utterly detached from white social institutions, they would prevent them in this Florida city from establishing subdivisions of their own.

It seems to The News that this latest outrage should have the attention of the governor of Florida. White troops should be entrained for the Florida city to see that some measure at least of fairness and decency should be accorded these people.

ORIGINAL, ALA. ED.

JAN 31 1926

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TAMPA, FLA., TELEGRAPH FEB 1 1926

THE MOB MEMBERS

IT WAS a dollar grabbing, careless, indifferent policy that surrounded the Union Station of Tampa with discreditable shacks to be used by the negroes. It was not fair to Tampa to show such utter disregard for the city, and certainly even the self-respecting negroes deserve better quarters in which to live.

These quarters in this section should be given over to commercial enterprises. The negroes deserve a better place in which to live as these shacks are mostly unsanitary as well as unsightly. That the negroes are entitled to a home is conceded—that it would be fortunate for Tampa and the negroes to have a suburb with decent surroundings is not to be denied.

As to the proper place, where there will be safety, convenience and comfort devoid of friction, The Telegraph does not venture opinion, but it unhesitatingly condemns the mob spirit that would resort to intimidation and arson.

Objection to one proposed negro section can come in self interests, but the worthy objectors do not sanction law violation. Those who resort to this means are not those who for development reasons of their own oppose colonization of negres. The law breakers are entirely another class, forming always a dangerous element in any community and the scoundrel who would apply the torch to the home of an inoffensive negro, or to any legitimate structure, is one who would stoop to any sort of crime.

The mob spirit is ever to be discouraged and when the culprit is discovered, the only safe place for him is the penitentiary, provided at gattling gun in charge of an officer with a backbone is not earlier made operative and effective. The mob member is too dangerous a factor to be tolerated, and he is worth more to a community at Oaklawn or Myrtle Hill, than anywhere else.

POST WARNINGS IN FLORIDA HOME DISTURBANCES

Police Fired On By Exclusionists, Who Use Force To Drive Negroes Out, As Legal Means Fail

TAMPA, Fla., May 12.—Failing to prevent the establishment of a Negro subdivision in Washington Park thru legal means, white citizens have resorted to force, and as a result the colored Americans have filed injunction proceedings to prevent interference with the establishment of the subdivision.

Last week Lieut. John Carter of the police force and three traffic police were fired upon from ambush concealed in underbrush in the vicinity of Washington Park. The whites made threats that they would use other means to stop the development after a protest to the city commission failed to bring any action.

Nine white men, most of them residents of Belmont Heights, a white district adjacent to Washington Park which lies south of Hillsborough avenue and west of Armenia avenue, are named in a bill of complaint filed at the instigation of Clayton Dumont, president of the developing company. At the time the hearing was scheduled to come up, however, Judge R. M. Nobles of the circuit court, explained that he was too busy to go into the details of the case until later.

The whites have posted signs warning Negroes against investing in Washington Park. There will be no Negro subdivision in that section, is the open defiance which they hurl at the law.

TAMPA, FLA., Times
JUL 14 1926

Negro Colony Case Indefinitely Delayed

Hearing on a petition for injunction filed by the Washington Park Properties corporation against J. L. Lightsey, and others, for the purpose of restraining open opposition to a development for the segregation of negroes in the northwest part of the city, has been continued indefinitely by Judge Lake Jones. The case was slated for trial before Judge Jones this morning.

A similar injunction was granted the Washington Park development in the Hillsborough county circuit court some time ago. It is alleged in the complaint that the defendants in the case showed open hostility to the proposed negro development, and with signs and other devices and methods warned negroes against buying property in the section advertised by the Washington Park Properties corporation.

TAMPA, FLA., TIMES
JUN

KLAN ENDORSES NEGRO PROPERTY

Grand Dragon Of Florida Denies Order Caused Depredations

Washington Park, subdivision for negroes, now being developed and offered for sale in the northwest part of the city, has the endorsement of the Ku Klux Klan, according to a letter received by the developers from I. E. Phillips, grand dragon of Florida, who denies that the order he represents has in any way been connected with recent depredations on and near the property tending to discourage settlement.

"The negro situation in Tampa apparently is such that a new district should be established for them, and from reports received it would seem that your subdivision is ideally located for that purpose, it having the endorsement of various civic bodies.

"We understand that your plans are to include the betterment of sanitary conditions for the negro. This organization, insofar as it can, will render assistance in maintaining law and order and promoting the general welfare of the community."

"Contrary to the generally accepted view," the letter continues, "we are not opposed to the negro. We recognize him as an integral part of our civilization and realize that he must be taken care of. While unalterably opposed to any semblance of social equality, this organization will lend its influence to the protection of the negro in the preservation of his rights."

Washington Park since its inception some time ago has had a stormy career. Several houses were burnt, a fiery cross was burned in front of a negro's residence, and the city was forced to increase police protection in the territory.

RESIDENTIAL RIGHTS WON BY TAMPANS

Injunction Stops Interference With Exclusive Negro Subdivision Long Opposed By Whites

TAMPA, Fla., June 16—Colored Tampans consider that they have won a long fight for residential rights in this city as a result of the action of the courts. The end of an era of strife and opposition to the settlement of Washington Park, a subdivision exclusively for colored Americans in the northwest part of [illegible] is expected.

Issue In Injunction

The signing of an order of mandatory injunction against nine defendants by Circuit Judge L. L. Parks, barring further interference with the development of the subdivision overthrows all opposition. The order followed the failure of the defendants to post a supersedeas bond of $10,000 pending further action in the supreme court.

Legal Battle

A temporary restraining order was granted the Washington Park developers against the actions of whites in attempting to drive colored persons from Washington Park which was characterized by much outlawry. The defendants took an appeal to the supreme court. That tribunal allowed the lower court to set the amount of the bond, which was allowed to lapse.

The defendants were J. L. Lightsey, W. L. Bush, W. F. Coats, R. Vetsal, J. F. Albury, W. T. Vetsal, J. W. Klinger, and F. W. Guyer. The injunction is against the erection of signs and intimidation of prospective purchasers.

Washington Park is in the center of an area north of Tampa Bay Boulevard, west of Armenia avenue and south of Hillsborough avenue, but not touching any of these thoroughfares. It comprises 360 acres.

Segregation – 1926

Florida.

NOV 4 1926

NEGRO ZONE PROBLEM.

The removal of West Palm Beach's negro section to a location better suited for it than the one now serving the purpose is an important civic problem which has been taken up by the chamber of commerce.

Aid of the Realty Board was enlisted Monday and other civic organizations probably will be asked to assist in the finding of a solution.

The present section restricted to the use of the negroes is too small and too much encroached upon by the expansion of the city. Some of the property embraced in the restricted area is far too valuable for its present use and the value of abutting property is rated far below what it would bring were the negro section moved further away from the heart of the city.

The problem is one which can not be solved in a few days. It is worthy of earnest consideration for a remedy must be provided sooner or later.

NOV 28 1926

NEW LOCATION OF NEGRO SECTION IS CONSIDERED

The committee on the new location for "negro town" will make further reports at the meeting of the Palm Beach County Real Estate board tomorrow noon, it is stated by E. E. Verenberg, the executive secretary of the organization. He also declares that the committee on rents and leases, which has made several preliminary reports will bring in their final findings for dispostion.

Calvn A. Owens, president of the St. Petersburg Rapid Transit company, is announced as the speaker for the December 6 meeting. He recently spoke at the state association of realtors held in Daytona.

The salesmanagers' division met at the office of the Consolidated Realty company, yesterday morning. Luther Jones and Seth K. Chase led the discussion on "forms of agency contracts." The chairman of the division, Richard Ray, presided.

DESTROY NEGRO SCHOOL WITH DYNAMITE; BLAST HURTS EIGHT WORKERS

MIAMI, Fla., June 30. — Eight workmen were injured, one perhaps fatally, when the new Washington school for Negroes was dynamited or collapsed today. Three probes have been launched.

Repeated threats have been made against placing the Negro school adjacent to the white residential section, school and building officials stated after the disaster. The new building, which covered half a city block, was completely shattered.

Daily Worker
7-1-26

HERALD

Lake Worth Fla

OCT 27 1926

NEGRO DISTRICT NAMED

An ordinance establishing, designating and setting apart the section known as Osborne Colored Addition as the district in which only persons of the negro race may reside was placed on its initial reading at the regular meeting of the city commission Monday night.

The ordinance will be in full force and effect after its next reading and passage and carries a penalty of not more than $500 nor more than 30 days imprisonment or both for violation of the measure.

Herald
Lake Worth - Fla

DEC 17 1926

AN ORDINANCE ESTABLISHING, DESIGNATING AND SETTING APART IN THE CITY OF LAKE WORTH, THE TERRITORIAL LIMITS OR DISTRICT IN SAID CITY WITHIN WHICH ONLY NEGROES MAY RESIDE.

BE IT ORDAINED by the City Commission of the City of Lake Worth, Florida.

That the following described district within the City of Lake Worth is hereby established, designated and set apart as the territorial limits and district in said City within which only negroes may reside:

Beginning at a point 1315.5 ft. south of Northwest corner Section 34, Township 44 South, Range 43 East, said point being Northwest corner of Osborne Colored Addition to Lake Worth as recorded in Plat Book No. 6, Page 93, in the County Clerk's office, Palm Beach County, Florida, thence South along the West boundary of Section 34, Township 44 South, Range 43 East, to West 1-4 corner of said section. Thence easterly along 1-4 section line of said section, said line being the southernost boundary of city limits of City of Lake Worth, to west property line of Florida East Coast Railway; thence in a northwesterly direction along west property line of Florida East Coast Railway to a point where said property line intersects the northernmost boundary of aforementioned Osborne Colored Addition. Thence westerly along North boundary of Osborne Colored Addition to point of beginning.

BE IT FURTHER ORDAINED, that persons are hereby prohibited establishing a place of residence the territorial limits above described in the said City so set apart ablished for the residence of

erson violating the provisions of this Ordinance shall be punished on conviction by a fine not exceeding Five Hundred ($500.00) Dollars or imprisoned in the City Jail for a period not to exceed thirty (30) days or both such fine and imprisonment, and each 10 days of prohibited condition shall constitute a separate offense.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance shall be in full force and effect immediately upon its passage and adoption.

This Ordinance regularly passed and adopted this 22nd day of Nov., A. D. 1926.

A. D. CLARK,
W. A. BOUTWELL,
B. MILLER,
W. E. HUTSCHENREUTER,
CITY COMMISSIONERS.

ATTEST:
W. E. HUTSCHENREUTER,
CITY CLERK

HERALD

Lake Worth Fla

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BE IT FURTHER ORDAINED, that white persons are hereby prohibited from establishing a place of residence within the territorial limits above described in the said City so set apart and established for the residence of negroes.

Any person violating the provisions of this Ordinance shall be punished on conviction by a fine not exceeding Five Hundred ($500.00) Dollars or imprisoned in the City Jail for a period not to exceed thirty (30) days or both such fine and imprisonment, and each 10 days of prohibited condition shall constitute a separate offense.

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CITY CLERK

Segregation- 1926

Georgia.

JAN 18 1926

ASHEVILLE, N. C., CITIZEN

RACE SEGREGATION IS WIDELY STUDIED

ATLANTA, Jan. 17. (AP)—Scientific study of racial segregation in more than 30 centers of negro population in the United States is under way, the Commission on Inter-racial Co-operation reports in its survey for the period 1924-1925.

This study, which will consume more than a year, is being carried on jointly by the commission and the Institute of Social and Religious Research.

The commission indicates general improvement of racial relations and reports that appreciable progress has been made in its work during the past year. In speaking of lynchings, the report says: "Apparently this crime is being gradually pushed off the map. More than half the Southern states now seem practically clear of it, and it is declining rapidly in most of the others."

In pursuance of its anti-lynching endeavors, the commission is now preparing a medal which will be awarded to sheriffs who save prisoners from mob violence.

Only one Southern state, Florida, has no woman's committee, says the report. In all other states in the South the department of woman's work continues to function as one of the most important phases of the movement against mob violence. The women's organizations also concern themselves with the welfare of negro women and children.

An effort will be made to introduce more widely in Southern colleges the teaching of social science as it affects the racial question. Courses in race relations are already being given in sixty Southern colleges, according to the report.

Inquiries and personal visits continue to come from the North and East, says the report, in which sections the migration of the negro has developed racial problems similar to those existing in the South. Scores of visitors have come from foreign countries, principally England and Africa, desirous of information about the working of the commission's plan.

Negro education in the South during the period covered by the survey has shown a distinct improvement, continues the report, which attributes this betterment of teaching facilities to the co-operation given by state and community organizations in sympathy with the commission's work. Health and housing conditions likewise have reached a higher standard, with the establishment of dental and medical negro clinics, under both white and colored supervision and the general observance of "health weeks" by negroes.

Nurseries and playgrounds have been established in a number of Southern states, one of the most elaborate being that erected at Louisville, Ky., which has a playground and swimming pool for negroes.

In other Southern states, paving, sewerage, library and recreational facilities show general improvement.

CITY EXPECTED TO MAKE FIGHT FOR ZONE LAW

Councilman White Will Request Appeal From Adverse Ruling by Georgia Supreme Court.

STATE COURT HOLDS MEASURE ILLEGAL

Justice Beck Writes Decision Which Holds City Has No Right To Exercise 'Police Power.'

Councilman John A. White, of the fourth ward, announced Thursday night that he will ask city council Monday to request City Attorney James L. Mayson to appeal from the decision of the Georgia supreme court earlier in the day which declared illegal certain sections of the city zoning plan. He stated that he will insist that the decision be carried to the United States supreme court.

"The city of Atlanta spent about $25,000 in perfecting the plan and we are determined to ask the ruling of the higher court in an effort to enforce provisions of the program," Mr. White said.

"Other cities have made similar plans and the United States court has ruled them legal. We employed an expert—the same man who has done the same work in other cities of the country—and our plan is practically the same that other large cities have approved."

That portion of the city's zoning ordinance which prohibits erection of retail stores in districts zoned as exclusively residential is unconstitutional, according to the opinion of the Georgia supreme court.

Justice Marcus W. Beck, in writing the opinion, in which all justices made it plain that the ruling only concerned the portion of the law passed upon and was of no effect in regard to other portions of the extensive and elaborate ordinance of which it is a part.

The case was that of Mrs. Chauncey S. Smith against the city of Atlanta, appealed from Fulton superior court, and involved the right of Mrs. Smith to erect store buildings on a piece of property she owns on Piedmont avenue near Southern railway tracks.

Prior to Councilman White's announcement, Mayor Walter A. Sims stated that he could not say whether he would recommend appeal to the United States supreme court until after he has opportunity to confer at length with the city attorney. Major Sims recalled, however, that although he opposed the zoning ordinance when it passed city council, he stated at the time that he doubted whether the law was constitutional or could be sustained in the courts. Judge E. C. Kontz vigorously opposed the measure and predicted it would be set aside by the courts.

R. W. Torras, engineer of the city planning commission, stated that the case should be taken to the United States supreme court and said the highest tribunal already had sustained the city of New York in its right to pass and enforce a zoning law.

Decision Explained.

The supreme court decision, which reversed the finding of Judge Ellis, of the superior court, held that the zoning ordinance was, in effect, an exercise of police power, and that while private property must be held subordinate to police regulations, lawful property cannot be destroyed or confiscated under the mere guise of police regulations. It was held further that "to destroy the right to enjoy and dispose of property is to a certain extent to destroy the property."

Mrs. Smith, owner of the property involved, first petitioned the planning commission to change her property from residential to a retail store zone, and the commission voted to do so. However, the ordinance committee of council, declined to concur in this action, and Mrs. Smith, on advice of attorneys, then started work on excavating for stores she planned to erect.

The city made cases against workmen employed on the job and Mrs. Smith then petitioned for an injunction to enjoin the city from interfering with the work.

Judge Ellis declined the injunction but in doing so expressed his own doubt as to the constitutionality of the ordinance and took a course which insured submission of the question to the supreme court for decision.

The supreme court decision is based upon the constitutionality of the act of the legislature which authorized enactment of the city zoning ordinance, pointing out that if one is unconstitutional it follows that the other is likewise.

The clause declared unconstitutional, it is said, is contrary to the due process clauses of the state and federal constitutions.

Mrs. Smith was represented by Attorneys Spence and Spence, while City Attorney James L. Mayson and Judge J. M. Wood, former city attorney, represented the city.

Spence and Spence Thursday acknowledged help received in the case from J. Walter Mason who, as amicus curea, filed a brief in the case.

Other Decisions Cited.

The supreme court, in its lengthy opinion in the case, cited many other cases, chiefly in Texas and Georgia, and expressed its thanks to attorneys for both sides who had cited numerous cases in support of positions in the exhaustive briefs submitted.

George S. Spence, one of Mrs. Smith's attorneys, in commenting on the decision said that in effect it involved the title to hundreds of millions of dollars' worth of property in Atlanta. The ordinance, now declared void, he said amounted to depriving Mrs. Smith of the use of $100,000 worth of her own property for which she had paid.

"It is undoubtedly true," said Mr. Spence, "that a law framed for the purpose of promoting a regular systematic growth of the city would have many virtues, but no such law will ever be passed which will be constitutional unless it provides that persons who are deprived of the use of their property for the public good be paid by the public when their property is taken from them."

EXPECT DECISION ON ZONING LAW

Washington, April 17.—(Special)—Whether the United States supreme court will review the case involving constitutionality of the Atlanta zoning law is expected to be decided Monday.

The Georgia supreme court, in the case brought by Mrs. Corrine S. Smith of Atlanta, held that both the Atlanta zoning act and the enabling act passed by the state legislature are unconstitutional and granted Mrs. Smith an injunction restraining enforcement of the ordinance after the superior court of Fulton county had refused her an injunction.

The case was brought to the supreme court by the city of Atlanta, which asked a review by the highest court of the state supreme court's decision.

Mrs. Smith owned a tract of land on Piedmont avenue, lying south of the Southern railway, and wanted to erect store buildings on it. She says in her brief that the property was vacant when she bought it except for a store building.

Her permit was refused because of the zoning law of Atlanta. Her brief held that the zoning ordinance was illegal. She said she paid large sums to the city in taxes and that it was unjust to deny her permit as the proposed buildings could be rented for $2,000 a year, and that she had been damaged already in the sum of $4,000.

The city holds in its brief that the city of Atlanta was constitutionally empowered to pass the zoning ordinance, that it is legal in every way and that the private interest of Mrs. Smith must yield to the good of the community.

ZONING LAW FIGHT DEFINITELY LOST

Aldermen Deal Final Blow to Plan of Councilman Russell for Building Restrictions.

The long fight of Councilman Hooper Russell, of the Ninth ward, to establish a zoning law in Atlanta was defeated by the aldermanic board Monday afternoon when it failed to concur with council on the measure.

Councilman Russell had asked for an appropriation of $1,000 to employ counsel to review the matter and determine if it was possible for the city of Atlanta to pass a zoning law which would be constitutional. City Attorney James L. Mayson had ruled that no zoning law could be passed which would not be unconstitutional.

The fight on the zoning law which was passed two years ago was begun soon after the passage of the measure and a test case was made which was taken to the state supreme court. The ordinance was declared unconstitutional and an effort was made to take it to the United States supreme court, but the court ruled that the United States supreme court could not declare constitutional any state law which had been ruled unconstitutional by the state supreme court.

The principal feature of the zoning

[illegible] of the [illegible] buildings to various parts of the city. When the ordinance was declared unconstitutional, Councilman Russell began a fight to establish a zoning law which would be constitutional.

In an appeal before the aldermanic board Monday afternoon, he declared that it was not his purpose to override the decision of Mr. Mayson but to get other legal advice on the matter, which, he said, was of such vital interest to the city.

The action of the aldermanic board definitely disposes of the question and Councilman Russell indicated that the matter would not be reopened.

Segregation—1926

General.

"Memories of Dred Scott" --- By HOLLOWAY

Amsterdam News, 6-2-26, New York, N.Y.

SEGREGATION NOT CONSTITUTIONAL--DECREE OF COURT

Indianapolis N. A. A. C. P. Wins Fight for Freedom of Residence in That City.

Contested Since March

Act Similar to Louisville Segregation Ordinance Declared Void in 1917.

(N. A. A. C. P. Press Service)

New York.—Telegrams received at the National office of the National Association for the Advancement of Colored People, 69 Fifth Avenue, from N. B. Ransom, member of the National Board of Directors of the N. A. A. C. P., and R. L. Brokenburr, one of the attorneys in the case, announce that the Circuit Court in Indianapolis has declared the city segregation ordinance to be unconstitutional after a court fight victoriously conducted by the Indianapolis branch of the N. A. A. C. P.

In the course of the fight the Indianapolis branch staged a campaign for members and funds in the course of which more than $5,000 was raised. The Indianapolis branch undertook and carried through the entire case, the National office acting only in an advisory capacity.

Mayor Signs Act

The Indianapolis segregation ordinance was passed by the city and signed by the mayor despite the fact that it was clearly pointed out that it was entirely similar to the Louisville, Kentucky, segregation ordinance, declared unconstitutional in 1917 by the . S. Supreme Court in a case won by the N. A. A. C. P. through its president, Moorfield Storey, who argued it. The mayor of Indianapolis signed the ordinance March 24, and the Indianapolis branch immediately contested it, resulting in a complete victory.

The decision of the Indiana Circuit Court is based upon the decision won by the N. A. A. C. P. in the U. S. Supreme Court in the famous Louisville case in 1917.

RESIDENTIAL SEGREGATION HITS CITIES

Philadelphia, St. Louis And Washington Centers Of Latest Property Restriction Movements

PHILDELPHIA, Pa. Oct. 20.—Residential segregation continues to show its[illegible] in different sections of the country. Evidences of the restriction evil came forth in three of the principle cities of the country last week, Philadelphia, Washington and St. Louis.

Injunction Sought

In Philadelphia several property owners and residents on Upsal street between Musgrave and Chew Saturday applied to Judges Audenried, Finletter and McCullen, in Court of Common Pleas No. 4 for an injunction to restrain the sale or transfer of two Upsal street houses "to persons other than those of the Caucasian race." The two properties in question in the blocks are said to be under contract of sale to persons of the race.

The plaintiffs in the proceedings are Arthur Rank, 352 East Upsal street; William H. Maneely, 337 East Upsal street, and George H. McConnell, 322 East Upsal street. They averred that the defendants, Robert R. Matzke and Delaplaine McDaniels, owners, respectively, of the properties at 346 and 312 Upsal street, have agreed to sell these houses to persons "not members of the Caucasian race." It was further averred that the defendants by entering into alleged agreements are doing so in violation of a restriction contained in the titles forbidding the sale to or occupancy by other than white persons.

To Get Up Ban

In Washington a movement to establish a proptery covenant in Congress Heights whereby none but white persons will be permitted to gain possession of property there was begun at a meeting of citizens Friday in the Congress Heights auditorium.

Citizens were advised of the drive to obtain the signatures to the cov-

[illegible] was explained by Dr. Edward E. Richardson, president of the association, and by other speakers.

Ouster Suit Filed

In St. Louis a suit was filed asking ten whites presumable members of a so-called protective association.

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Discrimination - 1926

General

1,500 HAIL ATTACK ON RACE ISOLATION

Mixed Audience Hears Hays Call Segregation 'a Street of Hate, a Main Street of Death'

ASSAILS DETROIT MOB CASE

Praises Dr. Sweet for Defense of Home—Negro Physician Speaks at Mass Meeting.

An audience of more than 1,500 whites and negroes applauded yesterday an attack on racial segregation in the residential areas of large American cities made by Arthur Garfield Hays, who, addressing the annual mass meeting of the National Association for the Advancement of Colored People, at Mt. Olivet Baptist Church, 120th and Lenox Avenue, declared that "the logical outcome of separation into small groups by race or religion would be a street of intolerance, a street of bigotry, a street of hate and a main street of death."

Mr. Hays is associated with Clarence Darrow, Chicago lawyer, in the defense of Dr. Ossian H. Sweet, Mrs. Sweet and nine other negro defendants, charged with first degree murder in connection with the death of one of a mob which surrounded Dr. Sweet's home in Detroit last September. The jury recently disagreed in the Sweet case and it will be re-tried early this year.

Dr. and Mrs. Sweet sat on the platform while their defense counsel praised their courage in defending their home and deplored the spirit of intolerance which caused the incident. Dr. and Mrs. Sweet, who are at liberty on bail, received permission to leave the State to attend the meeting by the Michigan court at the request of the association. Their appearance on the platform brought prolonged applause.

Sees Constitution Thwarted.

Discussing the Sweet case, Mr. Hays declared that it hinged about the issue of residential segregation in America. It was a fight, he asserted, "to preserve the fundamental spirit of the Constitution."

Referring to the trial, Mr. Hays said the negroes who were called to the witness stand were "quiet, intelligent and direct." A ripple of applause greeted his statement that the prosecution, in seeking to prove that no one was in the neighborhood of the Sweet home when the riot occurred, called seventy witnesses to the stand, all of whom testified that they were present.

Dr. Sweet, a young doctor, sat impassively as the attorney who figured prominently in the Scopes trial told of his efforts to defend his home and the subsequent arraignment of himself, his wife and nine friends on a charge of first degree murder.

"Nobody, white or black," asserted Mr. Hays, "deserves his home liberty unless he is ready to fight for it. Before the riot occurred at the Sweet home mobs had forced other colored people in Detroit to vacate their homes. The reason there was trouble in Detroit is that the other colored people lacked the courage to fight it out as Dr. Sweet did.

Miss Mary White Ovington, Chairman of the Board of Directors of the association, presided. Miss White is author of "The Shadow" and "Half a Man," the latter a sociological study of negroes in New York City, written after its author had lived six months among them. Miss White announced that in 1925 the association had raised more than $100,000 with which to carry on its work. The response of negroes all over the country to the fight against racial intolerance and segregation of blacks from whites, she said, has been an intelligent one. Last year was the biggest year in the association's history, she said, and more money had been raised to carry on its work than ever before.

Dr. Sweet Speaks Briefly.

Dr. Sweet spoke briefly, thanking the association for its interest in his case and for providing funds for the defense of himself and the other defendants. The outcome of the trial, he said, "will determine whether or not mobs shall tell colored people where or where not to live."

William Pickens, Field Secretary of the association, declared that segregation lay at the heart of America's race problem. Discussing the Detroit situation and the Sweet case, he said:

Mr. Pickens outlined the fight which the association would make against race segregation during 1926. Efforts along this line, he said, would be concentrated on three court cases, one the Sweet trial and two cases which were to be argued before the United States Supreme Court.

Louis Marshall and Moorfield Storey of Boston, the latter President of the association and former President of the American Bar Association, will argue one of these cases which comes before the Supreme Court this week, Mr. Pickens said. This case, known as the Curtis or Washington segregation case, has been fought in all of the District of Columbia courts. It originated in an agreement by a group of Washington, D. C., property owners not to sell real estate to negroes. Mrs. Irene Hand Corrigan sold a parcel of land to Mrs. Helen Curtis, a negro woman, in alleged violation of the agreement. The other parties to the agreement obtained an injunction restraining Mrs. Curtis from taking possession of the property and Mrs. Corrigan from selling.

The second case to be argued before the Supreme Court is known as the Noxon vs. Herndon case, which has been argued through the Texas courts, the Federal court in the Texas District, and finally on appeal carried to the Supreme Court. It involved a challenge of the constitutionality of the Texas White Primary law which forbids negroes to vote in Democratic primaries of the State.

The Texas case, Mr. Pickens said, would be used as the opening wedge to have repealed similar primary laws in other Southern States.

This afternoon at the offices of the association, 69 Fifth Avenue, the annual business meeting will be held at which reports for the last year will be read and new directors elected.

Segregation—1926

General.

Right To Exclude Negro Property Owners Argued

Washington, January 8.—(AP)—The right of courts to enforce agreements among property ownwers, designed to exclude negroes from their neighborhood, was argued today in the supreme court.

The controversy reached the court in an appeal from a decision of the lower federal courts, upholding an agreement among property owners on one of the fashionable residential streets of Washington not to sell, lease or rent their property to negroes for a period of 21 years.

Mrs. Irene Hand Corrigan, owner of a residence in the block affected—between 17th and 18th streets, in S street—sold it to Helen Curtis, a negro. John J. Buckley, another property owner, who had signed the covenant, then took the matter into the courts.

The National Association for the Advancement of Colored People took up the direction of the appeal for Mrs. Corrigan and the Curtis woman, when their case was lost in the lower courts, and two of its directors, Louis Marshall, of New York, and Morfield Storey, of Boston, presented the oral argument against the agreement.

Marshall urged the court to hand down a decision which would serve notice upon lower courts that they must not enforce segregation agreements, while James S. Easby-Smith, counsel for Mr. Buckley, held that no question within the jurisdiction of the supreme court had been presented. No constitutional question was raised in the appeal, he declared, since the validity of the covenant was not at issue, but that the court merely was asked to hold that lower courts should not enforce such agreements. Questions by Justice Holmes and other members of the court showed considerable interest in this contention.

Citing that legislative attempts to segregate the negro race had been held unconstitutional by the supreme court, Marshall contended that agreements among property owners looking to the same end were also invalid. Mr. Easby-Smith, on the other hand, pointed out that the highest courts of California, Maryland, Michigan, Missouri, Louisiana and Virginia had repeatedly sustainied such agreements when, as in this case, they did not propose perpetual limitations. It was strictly within the discretion of property owners, he asserted, to protect the value or desirability of their holdings, by mutually agreeing upon conditions controlling the sale or use of their property.

PLEADS FOR NEGROES IN SUPREME COURT

Louis Marshall Argues in the Capital City Appeal That They Cannot Be Segregated.

TEST FOR 10 OTHER CITIES

Attempt to Stop a Negro From Buying Home on a Fashionable Street Is Opposed.

WASHINGTON, Jan. 8 (AP).—The question of race segregation in cities was argued before the Supreme Court today in a case involving the enforceability of contracts made among property owners to restrict the sale and use of their property.

The case originated here. The property, which the owner is alleged to have sought to sell to a negro woman, is on S Street in what a few years ago was an exclusive white residential section. The homes of Herbert Hoover and Mrs. Woodrow Wilson are on the same street only a half dozen blocks away.

Owners of the property in the block in dispute—between Seventeenth and Eighteenth Streets—made a formal contract in 1921 that for a period of twenty-one years none would sell to a negro. About a year later, however, one of the parties to the contract, Mrs. Irene Hand Corrigan, agreed to sell her house to Mrs. Helen Curtis, and the other property owners in the block got an injunction on the ground that Mrs. Curtis is of negro blood. The lower trial court held the contract valid and enforceable, sweeping aside contentions that constitutional guarantees of race equality had been violated.

The National Association for the Advancement of Colored People joined with others in appealing, and Morefield Story of Massachusetts and Louis Marshall of New York appeared today as counsel for Mrs. Corrigan and Mrs. Curtis.

Mr. Marshall contended that agreements among white property owners not to sell to negroes was an entering wedge of a "Ku Klux Klan program," and that if the segregation was permitted it would extend to other groups in the country.

He said that the Supreme Court in a Louisville case had held invalid an ordinance for segregation and had provided that no instrumentality of the State could be so used.

Under questions by the Court, Mr. Marshall said he took the position that the owner of property, in making a sale, could stipulate that it should not be used for an abattoir or a store, but no agreement should be allowed to exclude a certain race, nationality, religion or political faith.

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Mr. Easby-Smith said that the highest courts of California, Maryland, Michigan, Missouri, Louisiana and Virgina had repeatedly sustained segregation.

According to counsel for the appellants St. Louis, Los Angeles, Cleveland, New York, Detroit, Baltimore, New Orleans, Kansas City, Chattanooga and Memphis are vitally interested in the case.

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spatial segregation.

Negro Segregation

The growth of Negro freedom may be seen as a cause and as a result of Negro segregation. First, the Negroes are compelled to live in the cheap rent area, for they occupy the lowest place in economic life, and consequently must necessarily live where others least desire to live. Second, the Negroes desire to live together. They can have no status outside their group. This condition helps the Negro in that it compels the aggressive members of the race to identify themselves with their own group in order to secure additional status. The Negroes are not being absorbed by the whites as are the immigrants, but the Negroes are developing a culture of their own.

The Negro neighborhood is primarily the result of competition; but it attracts others of like status, and through a process of growth it becomes a cultural world with institutions, leaders, and characteristics of its own. With the industrialization of the South this segregation is being accentuated. The old characteristic primary relation between the whites and the blacks is being supplanted by an impersonal type of relationship. This gives the Negro a chance to develop things Negro, to develop his own institutions. Alongside this recently developed Negro community is the older and more dominant white community.

RESIDENTIAL SEGREGATION

The United States court has been asked to render another decision on residential segregation. Several years ago this same body declared that it was unconstitutional for a city to pass an ordinance prohibiting persons to purchase and occupy property in certain districts because of their color. This decision came as a result of a case in Louisville, Ky., and was thought at the time to have such far-reaching effect that further attempts along lines of residential segregation would be discouraged.

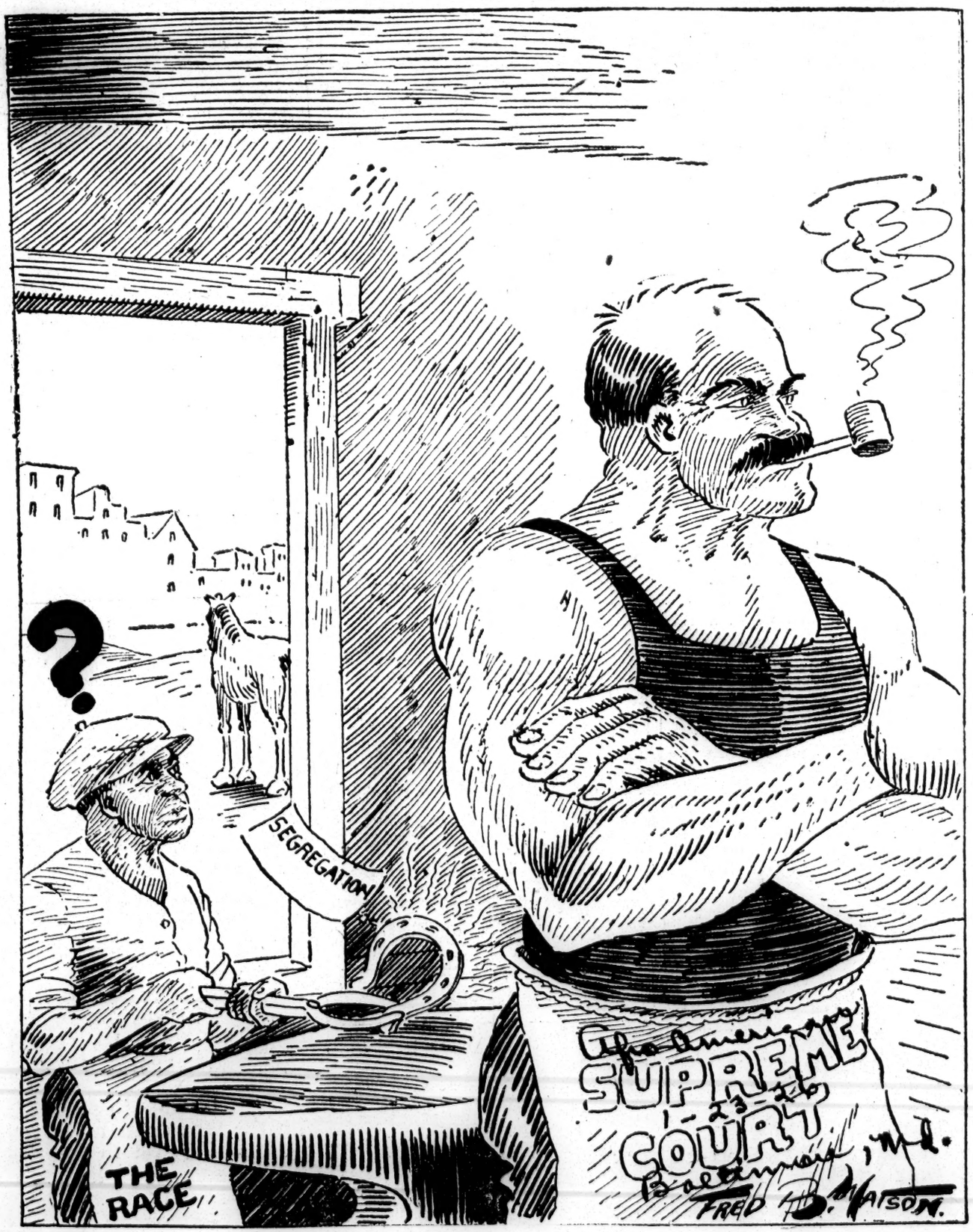
But, in defiance of that decision, other forms of segregation have sprung up throughout the United States that have made another appeal to the supreme court imperative. The judges are now asked to decide if a group of people may covenant among themselves to keep property out of hands of other people because of their color, and have this covenant enforced by the courts. The district court in Washington has decided that it can be done; other cities have followed but until now have at least 15 of America's leading cities attempting to restrict the sale of property along racial lines. New Orleans went so far as to pass another city ordinance enforcing this sort of segregation, and the state court has said it may be done.

On the other hand, the supreme court of Michigan has stated that such practice is in direct opposition to the Constitution; therefore, is illegal.

American citizens are now watching with breathless interest the battle in the supreme court which involves purchase of property in Washington. If the court says this form of segregation is legal it will have far-reaching effect. It not only will sanction New Orleans in its action, and will invite Cleveland, Los Angeles, St. Louis, Louisville, New York and many other cities to proceed, but will nullify, automatically, the decision of the Michigan court.

It will give rise to more race clashes, for we, as a race, have passed the residential segregation stage. We know it is the right of every citizen to live where he is able to maintain the standard of living. We are out of the class that is content to be told where and how it may live.

Why Doesn't He Hit The Iron While It's Hot



PAT HARRISON IN PLEA FOR SEGREGATION

Wants Restrictive Law for Washington

Washington, D. C., April 23.—While a bill to permit the National Press club to erect its building on F St. to a height of 140 feet above the curb was under consideration by the senate last Thursday, Senator Pat Harrison, Democrat, of Mississippi, took occasion to chide the people of the District of Columbia for their failure to check our people from moving into so-called white sections.

He contended that our taking over of white sections is destroying property values and shifting residential sections. "New Jersey Ave. was once a residential section for white people," he said. "Its values were high, its location attractive; but now look at it." Continuing, he said:

"Colored people moved in and on it; the white people sacrificed and bought elsewhere. As the white people moved farther west and farther north the Colored population, one by one, followed, and in proportion to the numbers that did follow values declined.

We Kept Expanding

"This situation continued until the Colored residents forced themselves as far as 14th St. Some thought that surely the movement would then stop. But no; ambitious ones of the lot dreamed of blocks beyond, and so the favored and prominent socially inclined among them bought up to 16th St. At every step values went down. And so today it matters not where you may select to build your home or live it will be but a short time when the stability of prices will be shattered and the property value declined on the invasion of the Colored population.

Oh, the Poor White

"There must be some consideration given to this question. Poor people, aye, even widows, who possess perhaps nothing but a home, have experienced their life savings sacrificed because some of the Colored population bought and moved next door to them.

"Restricted areas for whites and Colored make for the stability of values and the common contentment of both. Any other policy, such as we have experienced in Washington, breeds differences between the races and makes not only for the insecurity and instability of property values, but estrangements and bad feeling.

"Why the business people and the residents of the District of Columbia remain silent I cannot understand. On the other hand they indorse for high office men of the Colored Race who are the prime movers in that invasion; men who appear as lawyers in cases in the supreme court of the United States to test the validity of restrictive ordinances. So I say that sometimes I cannot but feel aggrieved at the lack of interest upon the part of the District population in rendering some assistance to cure the evil."

OUR THINKING ON SEGREGATION

A man came into the office the other day who is famed in Texas for the keenness of his vision and the accuracy of his thinking. He was discussing the question of segregation and the need of more cooperation among members of the group and finally said he "we may as well face the question squarely. Segregation is here and since it it we need to realize that it is simply a matter of lack of wealth. Let the Negro acquire wealth and the problem will be solved. A union of Negroes for the promotion of their economic program will in time settle the question."

To what extent the thinking of that man is correct cannot of course be accurately said now. It appears however that there is a fallacy in his reasoning and that his, doctrine, if consistently believed in would lead to a disappointment as deplorable as some others which the race has experienced. There is no "cure all" for the question of segregation and things of a like naure from which the race suffers. At least it is not to be found in the pursuit of any one course like the nature from which the race suffers. At least it is not to be found in the pursuit of any one course like the one which he advises. To own enough wealth is of course a thing of major importance in a world which is operated on the "dollars and cents" principle. There can be no doubt but that the possession of wealth would increase the points or contact of reputable members of our race with those of the other and in that way, there would be opportunity for the sort of acquaintance which would lead to the realization that there is no difference between men of whatever color they may be. But to acquire wealth for that reason only would be to prove ourselves lacking in another fundamental, with out which, there could be none of the mutual respect which is necessary to a cessation of the sort of prejudice which we now face. To have things for the sake of

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possession and for the benefits which that possession brings is the thing to be desired. As the case now stands, we have acquired what we have for the reason that others have had it. We have formed business concerns because of the pressure of circumstances and not because of the fact that was a deep rooted desire to have these concerns because of the employment which they would give to our boys and girls or for the economic benefits which they would bring to these who owned them.

Such a thing is of no benefit in itself. Any man will fight for himself when faced by death. Drowning men will catch at straws. But they are entitled to no credit for that. To protect one's self and family is the thing to be expected of any red-blooded man. To desire to see ones fellows gainfully employed by reason of the investment of the surplus funds in one's possession in the natural thing. The converse, the real reason for the existence of so many of our concerns, is not the desirable thing. Therefore contention of this man to the effect that we should get wealth in the hope that the increase of this wealth would lead to lessened segregation is not tenable. The relative status of the race as such would by no means be changed and there would be the same sort of reservations in the minds of Negroes in regard to themselves which now exists.

The real trouble with the race seems to be that it is prone to believe in the doctrine of inferiority as taught to it through all of these years by the white race. There can be no doubt but that there is a well defined complex existing among us to the effect that we really are not as others and that therefore, we should content ourselves with what the other man feels that we should have. We have been unwilling to think in terms of our own needs and to seek to have those needs supplied. This sentiment has been behind our complacence in segregated districts. This has been behind our feeling that politics was a thing for white men to engage in and that when we did participate, we should be paid for our services. This is behind our acceptance of all of the badges of inferiority which the white race has placed upon us for all of these years and it is this feeling which has been behind our attempts to pull down those among us who have had the courage to stand up and to declare that they felt themselves entitled to all of the benefits which were the common portion of every member of a commonwealth.

The accumulation of wealth in itself will not solve the problem any more than the gaining of education will. There can be no doubt but that all of them combined will have the desired effect if coupled with the firm conviction that we are as other men and that we are entitled to the benefits for which we claim to hope as members of a democracy. Coupled with all of our strivings in every direction, there must be a deeprooted feeling, a tradition, a knowledge that WE ARE THE EQUALS OF ANY MEN AND THAT AS SUCH, ARE WORTHY OF THE RESPECT AND CONSIDERATION WHICH IS GENERALLY ACCORDED TO MEN. That feeling does not now exist. But it can be developed and it must be if we would reap the benefits which are to come from changed thinking on the part of others in regard to us.

NEGRO SEGREGATION BY PACT

(From Brooklyn Daily Eagle.)

There are some very important corollaries of the decision of the Supreme Court of the United States that by agreement among themselves white holders of residence property may legally shut out Negroes from buying or leasing such property, and continue the restriction by clauses in deeds, covering a long term of years. Section 1197 of the Revised Statues of the United States runs thus:

All citizens of the United States shall have the same right in every State and Territory as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.

Now undoubtedly the primary purpose of this provision was to prevent States or Territories, or municipalities within States or Territories, from making laws or ordinances interfering with the equal freedom of Negroes and whites to buy and sell realty. There was, however, much of plausibility in the claim of the Negroes' lawyers that what is prohibited to local authorities, viz.; discrimination as between races, is thereby inferentially declared contrary to public policy, and to permit it to be done by private pact is illogical.

This contention the Supreme Court has overruled. Moorfield Story and Louis Marshall are turned down. The opinion written by Associate ustice Sanford says: "These statutes (Sections 1977, 1978 and 1979) do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property." So what cannot be done by State law or municipal ordinance can be done by private agreement.

BROOKLYN N. Y. EAGLE
MAY 31, 1926

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This contention the Supreme Court has overruled. Moorfield Story and Louis Marshall are turned down. The opinion written by Associate Justice Sanford says: "These statutes (Sections 1977, 1978 and 1979) do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property." So what cannot be done by State law or municipal ordinance can be done by private agreement.

THE SEGREGATION CASE

Somehow we do not seem over-alarmed over the action of the United States Supreme Court in what we call dodging the issue, in the segregation case, which was recently before that body. For after all, the men who sit on the bench in the highest legal tribunal of the land, are but mere men, fashioned after the human race, who are subject to and heir to the weakness and prejudices that have governed men's actions from time immemorial.

From a laymans view point, we believe that segregation by agreement between individuals is just as much a violation of the constitutional rights of citizens as segregation by an ordinance from any law-making body. Especially is that true where the Courts of the land are called upon to put their official approval on the said segregation agreement. It looks perfectly clear to us that the segregation by agreement is a violation of the letter and spirit of the Federal Constitution.

We said that we were not unusually alarmed over the decision, because this question of residential segregation, like the slavery question, must be settled and settled right. No substitute will ever suffice. It won't down, so far as we are concerned. If the matter has not been presented to the United States Supreme Court in such a manner that it can have jurisdiction therein, then there is another case that can be presented in a way the highest tribunal of the land can have jurisdiction and can act without dodging the issue.

THE DISINTERESTED PROPERTY OWNER

(Comment on Editorial Page)

Chicago Defender
6-5-26
Chicago, Illinois

Segregation - 1926

Illinois.

CHICAGO ILL. NEWS
MAY 28, 1926

RESTRICTIVE ANTINEGRO CONTRACTS.

In a case that has attracted much attention, especially among the fair-minded friends of American Negroes, the United States Supreme court has decided that voluntary agreements among property owners not to sell real estate in certain neighborhoods to colored persons do not contravene any provision of the federal constitution.

The constitutional amendments relied upon by the attorneys who attacked the constitutionality of such agreements, the court points out, were directed against action by states or subdivisions of states, such as municipal corporations, and not against individual citizens.

Repeatedly city ordinances segregating colored residents or establishing "pales of settlements" have been annulled by the Supreme court, but it is now settled that agreements among property owners discriminating against Negroes are not repugnant to the federal constitution. Remedies against such discrimination must be sought in state constitutions or in civil rights statutes.

Where those are not available public opinion and purely moral influences must be appealed to by the champions of equal rights and equal opportunities regardless of race or color.

BIG MEN ARE UNITED IN THOUGHT

Symposium of Replies Indicate Belief That Immediate Action Should Be Taken.

CHICAGO, June 3. (By A. N. P.)—If the opinion of two of America's editors of leading newspapers published for Negroes can be interpreted in terms of what the Negro general public will do in respect to the recent decision of the United States Supreme Court officially countenancing individual private contracts to prevent Negroes from purchasing or using certain property, the position of the Negro is not hopeless.

Negro leaders in all parts of the country are unanimous in recognizing the grave import of the Supreme Court action. To many of them it spells a sort of doom, especially when it is linked with the action of Coolidge, the executive head of the government, in signing the Jim Crow bathing beach bill and of Congress, the legislative head of our government, in burying the Dyer anti-lynching measure. It seems that true emancipation of the Negro and the bestowal of his citizenship rights is shut off in all directions.

But Carl J. Murphy, editor of the Baltimore Afro-American, would have the Negro revise his case and fight the issue over again in a manner that would not permit the Supreme Court to evade.

Murphy recalls that the contract under consideration in the Curtis, Corrigan, Buckley case, to the effect that certain property could not be leased, owned or occupied by Negroes "dates back to times before the Civil War."

"Then they were called Negro stopper clauses," explained Mr. Murphy, "and advantage was frequently taken of ignorant persons to sell them property they could not occupy. In the Curtis case the Supreme Court was out to pass upon the constitutionality of such clauses. It said the case was not appealed in such form as to give it jurisdiction. Our job is to revise our case and appeal again."

Of like mind with the editor of the Afro-American is Robert L. Vann, editor of The Pittsburgh Courier. Editor Vann believes it was "unfortunate" that the pleadings were so presented that the Supreme Court "could find the opportunity to say that it had no jurisdiction over the question the case was intended to decide."

He adds: "The determination of the case is a sad disappointment and the people are entitled to have the question brought again to the attention of the Supreme Court in such a fashion as to make it impossible for the court to evade the real issue by claiming lack of jurisdiction."

Vann and Murphy are found in hopeful company with Homer G. Phillips, prominent attorney of St. Louis, Mo., and candidate for Congress from the district now represented by Leonidas C. Dyer. Attorney Phillips believes the decision to have been so far reaching in effect that we as a people must not hesitate as to our course."

"The decision as announced," advises Phillips, "was not on the merits of the case, but the effect is the same. Immediate steps should be taken to properly carry this matter again to the Supreme Court and to obtain a ruling as to the validity of segregation by agreement. If America is to establish a national policy of segregation under the approval and sanction of our Supreme Court, it is our duty to settle this action directly and not by evasion."

Colored women of the country, as represented by Mrs. Mary McLeod Bethune, president of the National Association of Colored Women, are not just sure where it is all going to lead and Mrs. Bethune, in an interview with the Associated Negro Press, is inclined to deplore the decision. She counts it a "slam at liberty, justice and fair play which will be an everlasting slam upon our democratic institutions," and asks, "are twelve million free American citizens to be deprived by either law or sentiment from living wherever their inclination or means will permit?"

The Rev. L. K. Williams, president of the National Baptist Convention, Inc., and pastor of the largest Baptist Church in the world, Olivet in this city, believes the decision countenances residential segregation and that "it will have a very depressing effect on our people."

On the other hand, he points out, "It will certainly encourage unjust, discriminatory practices and measures."

Edward H. Wright, Illinois Commerce Commissioner, refers to the fact of the courts in several states having declared segregation laws in relation to the purchase of property unconstitutional and the support hitherto given them by the United States Supreme Court.

"It is unfortunate," asserts Mr. Wright, "that the question in this case could not have been presented so that the court might have ruled upon the broad question of the citizens' rights to purchase property wherever they pleased without being interfered with."

Bishop A. J. Carey of the African Methodist Episcopal Church, is prepared to blame the past for the present. He declares that "we have prepared Mr. Coolidge and the American people to believe that we willingly accept segregation anywhere and everywhere because we have cheerfully accepted segregation in northern states where it is not forced upon us by taking hold of segregated Y. M. C. A.'s, Y. W. C. A.'s and similar institutions supposedly Christian, yet drawing the color line in the name of Christianity.

Bishop Carey reminds further that we have always permitted the Republican national committee to establish separate and distinct Negro bureaus during all the national campaigns.

"My position," he emphasizes, "is that if we are going to fight segregation we must fight it everywhere and all the time, fearlessly, courageously and unselfishly.

"It is a very sad comment upon the Negro's use of his political power that President Coolidge, born in New England, having lived amid an environment of justice, fair play and equality for all, should find himself so coerced by political power in the very party which was born for freedom, that he feels he can easily afford to ignore the protests of twelve million loyal citizens, ninety per cent of whom are steadfast Republicans and sign the segregated bathing beach bill.

"Plea after plea has been made to Mr. Coolidge by organizations and individuals, asking him to put an end to the unjust discrimination and segregation in the departments at Washington. Up to this hour he has turned a deaf ear to all and the segregation begun by President Wilson continues until this day. These things have prepared the way for the Supreme Court's recent decision."

Oddly enough, S. W. Greene, supreme chancellor of the Knights of Pythias, with headquarters in New Orleans, which is faced by a significant and important segregation issue, refuses to be quoted in regard to the decision of the Supreme Court.

Legal Committee To Determine Next Step in Curtis Case

NEW YORK, June 3.—It was announced by the N. A. A. C. P. that as soon as the full text of the United States Supreme Court's decision is received, the national office having wired to Washington for it, the National Legal Committee would meet to determine the next step to be taken. In its decision just rendered in the case of Curtis and Corrigan vs. Buckley, et al., the Supreme Court, because of lack of jurisdiction, refused to pass on the case which involved the right of white property owners to enforce an agreement barring Negroes from owning and occupying houses in certain residential sections.

SAYS NEGROES SHOULD NOT COMPLAIN AT SEGREGATION

Chicago, Ill, Oct. 2—P. C. N. B.) Discussing at length the effect of the decision recently handed down by the United States Supreme Court giving validity to restrictions imposed by clauses of prior deeds against the subsequent sale of the property to Black Americans. Arthur E. McCarty writing in the Property Owners Magazine of Chicago says that this decision is of transcendent importance to property owners everywhere, and particularly in the South, where has been found considerable difficulty in preventing the over lapping of colored and white areas, with more or less conflict arising from efforts at segregation by legislation.

"The decision holds that private restrictions placed on residential property by deeds or agreements prohibiting the sale or conveyance to Negroes are valid," says the writer.

"The contention was made that such contracts violate the fifth, thirteenth and fourteenth amendments of the Constitution, but the high court said that such contentions were 'entirely lacking in substance or color of merit.'

Covenant Held Valid

"The court held that the thirteenth amendment protects the Negro only against slavery and involuntary servitude—not in matters of property at all; that the fourteenth amendment is a prohibition of action by States and not by individuals, and that the fifth is a restriction on the Federal Government, and does not allude to individual acts."

"The covenant was held valid as not invading any constitutional rights of the Negroes, inasmuch as they had a like right to prohibit the invasion of their neighborhoods by the whites. The decision thus extends the question beyond a mere distinction based on color and upholds the right of any group to covenant togther to keep out any class of occupants deemed undesirable.

"A difficulty in the way of the orderly development of American cities is thus removed at one stroke There is no longer any reason whatsoever for the householder to live in fear of invasions that may take half of the value of his property away in a day."

Negroes Should Have No Complaint

"The questions involved are of the greatest delicacy and difficulty and it is well for the future operation of the principle of law that the

court made itself so clear. Members of the the Negro race who respect themselves will have so clear. Members of the Negro race who respect themselves will have no complaint to make of it, nor can any white white persos object. It is as natural and seeming for members of the same race to desire the companship of their own kind as it is for members of one sect or other division of people. By laying down the prinicple as broad enough to cover every difference of color, religion, occupation or what not, much of the cause for friction is removed."

Segregation-1926

Indiana.

NEW YORK CITY TIMES
MARCH 17, 1926

SEGREGATES NEGRO HOMES.

Indianapolis Divides Races in Residence Districts of City.

Special to The New York Times.

INDIANAPOLIS, Ind., March 16.—Loud cheering, hand-clapping and stamping of feet by more than 800 spectators marked the adoption by the City Council tonight of a race segregation ordinance which limits the districts in which colored persons may establish residence and forbids white persons residing in colored districts.

A detail of ten policemen maintained order at the meeting, but there was no disturbance except the outbursts of applause.

The ordinance was backed by the White People's Protective League. It becomes effective after it has been signed by Mayor John L. Duvall and has been legally published.

INDIANAPOLIS CITIZENS DETERMINED TO FIGHT SEGREGATION ORDINANCE TO FINISH

Citizens Cooperate Unitedly With N. A. A. C. P. Branch

"All organizations are cooperating with the Branch in carrying out the defense program. Intense interest manifested by the group and united support is pledged," in part of the message telegraphed the National Office of the N. A. A. C. P. Olivia Taylor, President of the Indianapolis Branch of the Association while G. N. T. Gray, Branch Secretary wires that the "Branch is alive to its duty" in the fight against the residential segregation ordinance passed by the City Council of Indianapolis on March 16.

The ordinance which has been passed at the insistance of the "White People's Protective League," eight hundred to a thousand of whose members crowded the council chamber and cheered loudly when the ordinance was passed, is practically identical with that from Louisville which the United States Supreme Court declared unconstitutional by a decision in 1917. It makes it unlawful for any white person to establish a residence in any colored neighborhood or for any colored jerson to do the same in a white section except with the written consent of a majority of the residents in that neighborhood; provides that any person owning property in a neighborhood inhabited by persons of the opposite race prior to the passage of the ordinance shall have the right to move into it; and provides that a white person may purchase or own property in a colored neighborhood subsequent to passage of the law or a colored person in a white section but prohibits occupancy of such property.

Immediately upon seeing press accounts of the passage of the ordinance, having watched the situation closely for some time, the National Office of the N. A. A. C. P. wired its Indianapolis Branch urging that it organize at once as large and representative a deligation as possible to call upon Mayor Duvall and point out that the action of the Council was in direct violation of the Supreme Court decision in the Louisville Case. The Branch was advised, in the event the Mayor insisted upon the measure, to serve notice that the N. A. A. C. P. would take immediate legal steps to have the ordinance declared unconstitutional. The Branch was assured that the National Office stood ready to render legal, financial and moral support to the fight.

Mrs. Taylor wired the National Office immediately, her telegram reading:

"The local Branch under direction of Executive and Legal Committees, supplemented by thirty additional influential citizens have outined program of attack on residential segregation ordinance which is in accord with plans offered in your wire of yesterday. Had mass meeting Tuesday night adopting further plans. Other meetings following. Committee sees Mayor Thursday and all organizations are cooperating with Branch in carrying out defense program. Attorneys Brokenburr, Bailey thousand dollar drive starting Sunday. Intense interest manifested by the and Henry advisors. Launched five group and united support is pledged."

In making public this information the N. A. A. C. P. stated:

"We are able to plunge without delay into this fight in Indianapolis and into the effort to get to the Delaware officials to bring to justice the white man who attempted to assult criminally a respectable colored woman because our friends answered so generously our recent appeal for pour in upon us and we are for the a legal defense fund. Case after case first time able to help in many of them. No intelligent person can fail to see how imperative such a fund is. Only though it can the rights of colored people which they yet possess be held and only in this way can we struggle for those rights now denied."

LEGAL TEST BARS STATE "SPITE BILL"

Indiana Attorney-General Says Segregation Law Is Unconstitutional

INDIANAPOLIS, Ind., Mar. 24.—The strenuous activities of citizens here against the vicious "jim-crow" measure passed at a stormy session of the city council here last week bore fruit Monday when Attorney General Arthur L. Gillion, in an opinion handed down at the request of Alva M. J. Rucker, corporation counsel, declared the ordinance unconstitutional and void. The ordinance made it crime for colored citizens to establish a home in any portion of the city inhabited principally by white people, except on the written consent of a majority of the property owners of such districts.

Bill Introduced by a Southerner

The ordinance was submitted to the city council a few weeks ago by R. B. Spellman, a southerner, president of the White People's Protective League.

One democratic member of the council, Edward B. Raub, protested the passage of the measure while five Republican councilmen helped to make the measure a law by their affirmative vote. Raub, at the time of the enactment of the bill, contended that it was unconstitutional and that the city council had no power to put it in effect even if it was passed.

Prominent politicians and leaders of civic organizations of the city upon hearing of the action of the Republican councilmen, promised that they would not be re-elected if their second term of office depended upon the vote of the colored population.

"Legislation No Panacea"

In his opinion, the attorney general mildly chides the action of the council in attempting to use legislation as a panacea for the ills of the body politic. "Neither has the legislature attempted to delegate authority to enact such ordinances on any other theory of public interest. It is entirely clear that if the legislature would attempt to delegate power to the legislative departments of cities to enact ordinances to accomplish the purpose of the one in question on any theory or if the legislature sought to accomplish the purpose directly by its own act, that such attempts would be rendered futile by the Fourteenth Amendment to the Federal Constitution.

"Incompatibilities of race, creed or color are not soluble in legislation which disregards constitutional rights and privileges of citizens; the object of the ordinance can be attained only through private regulation; it cannot be the subject of public regulations under present limitations of governmental power."

INDIANAPOLIS GETS 'JIM CROW' LAW, PLAN COURT FIGHT

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Indianapolis, Ind., March 16.—The Common Council of the city of Indianapolis tonight passed an ordinance providing for the segregation of white and colored residents in the city. According to the new ordinance it shall hence forth be unlawful for any white person to establish a home in any portion of the city inhabited principally by Negroes and vice versa. An exception to the law was made by providing that a residence might be established in either of the racial districts by obtaining the written consent of the majority of the property owners in the neighborhood. Fines and imprisonment are provided for violations.

The passage of the Indianapolis segregation law coming upon the heels of the decision of the Ohio supreme court which denied the constitutionality of a similar law in that state, is both a surprise and a disappointment to the colored citizens of the Indiana city. Churches, fraternal orders and social organizations, under the guidance of the local Urban League and the N. A. A. P. C., have already made plans for the conducting of a campaign to raise funds with which to fight the Jim Crow law. It is possible that the court fight against it will be postponed until the settlement of the District of Columbia segregation law which is at present pending before the United States Supreme Court.

INDIANAPOLIS MAYOR O. K.'S JIM CROW BILL

* * *

Indianapolis, Ind., March 31.—In spite of the opinion delivered by the Attorney General of Indiana that the Indianapolis Zoning Ordinance passed by a Republican majority in the city council, which prevents Negro citizens from purchasing property or living in "white districts" is constitutional. Mayor James Duvall affixed his signature to the bill. This action came somewhat as a surprise to the Negro citizens, whose solid vote materially aided in placing Duvall in the mayor's office. More than 25 conferences had been held with the city's chief executive by colored leaders, and it was believed that he would take cognizance of their protest.

The situation in Indianapolis over the segregation question is peculiar in that the city administration is fostering the ordinance, and has secured its passage by the city council and signing by the mayor, while the state government, represented by the attorney general, contends that the bill is "wholly void and unconstitutional." Both sides believe that the bill will be carried to the supreme court to a decision, and each is hopeful of receiving favor from the tribunal.

INDIANAPOLIS JIM CROW LAW ON HOUSING BRINGS PROTEST

Indianapolis, Ind., March 19.—Fifty thousand Race citizens here are in a rage because of the most vicious ordinance passed by the city council Monday night which makes it a crime for persons of Color to live in districts with white people.

This ordinance was submitted to the city fathers a few weeks ago by one R. B. Spellman who is reported as having southern blood in his veins and who is president of the White People's Protective league.

Five Republican councilmen made the ordinance possible by their vote over the protest of one Democrat member, Edward B. Raub, who said such an ordinance was unconstitutional and that the council had no power to put such an ordinance into effect.

Notify Mayor

Citizens have notified Mayor John L. Duvall that he must veto the ordinance. If he fails to do this the citizens of this city will take the matter into the courts, first asking an injunction prohibiting the city council from putting the measure into effect, then attacking the right of the council to pass a measure that is contrary to the constitutional rights of every citizen, regardless of his color.

The Liberty league will join in this fight, which has the support of the Equal Rights league and the National Association for Advancement of Colored People.

The five Republican councilmen who voted for the damnable measure are already slated for defeat at the next election and Mayor Duvall must veto the bill or see fifty thousand Race votes go over to the Democrats next fall.

Leading politicians of both races openly voiced their disapproval of the measure. William H. Jackson and Hadley G. Fite were busy interviewing political leaders on the measure. In Jackson's forty years in politics here never had such an ordinance been mentioned before. Fite warned the Republicans of their danger.

Different organizations have called on the mayor to impress him that failure to veto the measure means a possible riot, as those who have bought homes in districts that the measure aims to rob them of possessing are determined not to live up to the measure and to use any means of protection necessary to protect themselves and their families.

The measure is a direct result of local politicians and ward heelers allowing themselves to be bought out in each election. It is a known fact that most of the candidates up for election the last time were affiliated with the Klan movement or had the support of the Klan element. The influx of southern whites from Georgia and Texas as well as Alabama has caused much uneasiness here and for some time there has been an underhand movement on foot to discredit the Race and to start trouble.

Klan Move

One minister, who is closely associated with doings of white people, having been able to get into the Klan meetings because he cannot be told from white, says that the ordinance is a direct result of a solid effort on the part of the Klan to jim crow the Race as in southern states, and that the ordinance passed Monday in the council chamber is the first move. He also states that the members who attend the regular meetings have laughed at the indifference shown by the Race while they walk over a virtual smoldering volcano which is likely to break loose any moment.

INDIANAPOLIS ARMS AGAINST JIM CROW LAW

By ALVIN D. SMITH

Indianapolis, Ind., April 9.—Dr. Sumner A. Furniss, treasurer of the local branch of the N. A. A. C. P., made his first report this week of the defense fund to fight the segregation law signed here last week by the Klan Mayor," Dan Duvall. The law prohibits the races from living in the same district.

In his report Dr. Furniss showed that within six days the $5,000 asked for by the association had been raised. This is the first time all Indianapolis citizens have joined in a movement with such spirit and indicates the extent to which the Race has been aroused.

Not content with this amount, citizens now will work to bring in more money to be as strongly fortified as possible to beat the ordinance in the courts. Mrs. C. I. Taylor, president, is arousing every citizen to arms.

Indianapolis is taking on a new life. Citizens are beginning all over the city to throw their dollars to Race business, so business men report. One prominent business man said this segregation law has "done more than anything else in years to bring members of the Race together here."

The Defender representative has received congratulations on the splendid way that the Defender reported the fight, and special comment has come regarding the cartoon of Artist Rogers of the Defender.

BOSTON MASS HERALD
APRIL 2, 1926

Negro Segregation North

The city council of Indianapolis lately has passed an ordinance for race segregation in which the important provision is this:

"It shall be unlawful for any white person to hereafter establish a home residence on any property located in a negro community, or portion of the municipality inhabited principally by negroes; or for any negro to establish a home residence located in a white community or portion of the municipality inhabited principally by white people; except on the written consent of a majority of the persons of the opposite race inhabiting such community or portion of the city to be affected; the aforesaid written consent to be filed of record with the city clerk."

The White People's Protective League supported this ordinance. A Republican councilman introduced it. A Democratic member voted against it on the ground of unconstitutionality, and he was its sole opponent.

The Indianapolis papers merely refer to it as a sincere attempt to solve a vexing problem and otherwise are noncommittal. Doubtless it represents the predominant sentiment of the city. The negro population is large and continues to grow. Probably the ordinance will be subjected to examination in the courts and the outcome will be of interest in many other cities of the North.

Often it has been said that if the ratios between the negro and the white populations in the North were approximately what they are in the cities of the South, the lawmakers of the North would find themselves confronted with the same problems that the South has tried to deal with and that public opinion in the North would indorse such action as now has been taken in the Indiana capital and in general would conform to the established practice of the South. However this may be, the action of the Indianapolis council is hailed in the South as in the interest of peace and general security, as sound public policy. The segregation idea is declared to be gaining ground north of Mason and Dixon's line.

INDIANAPOLIS RAISES ANTI-SEGREGATION FUND

INDIANAPOLIS, Ind., April 15 —(By A. N. P.) — According to Mrs. Olivia Taylor, president of the local branch of the National Association for the Advancement of Colored People, nearly twenty-five hundred dollars in cash has been raised by that organization and co-operating agencies among colored citizens to fight the recently enacted segregation ordinance. It is believed the fight against the ordinance in the courts will be successful.

tions grow much worse. In some sections the acreage will be less, but generally it will be the same as in 1925. This year it is expected the shipping season will continue through seven or eight weeks. Last year it began May 25 and ended by June 10.

Renew Home War In Indianapolis

Whites Combine To Fight To Restore Invalidated Segregation Measure

INDIANAPOLIS, Ind., Dec. 15 — Following a court decision defeating the neighborhood segregation ordinance passed here last spring, which restricts Negroes from living in white districts, the whites of the city have instituted a movement to block the victory of the colored people in the fight for home privileges. Proposals have been made to carry the battle to the higher courts of the state.

The newest move of the white autagonists was revealed last week, when a circular proposing the combining of all the whites of the city into an organization purposed to work for the restriction of Negro dwellers from white districts of the city, was sent to the Recorder's office. The sheet proposed that all the white give their money and their support to legalize the segregation ordinance and stand behind the plans to fight to a finish even if the matter has to be taken to the U. S. Supreme court. The news was received as a challenge by the col-

ored citizens who immediately allied themselves to back the ruling of Judge Chamberlain of the Marion County Superior Court which invalidated the measure.

Segregation-1926

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INDIANAPOLIS MAYOR SIGNS RESIDENTIAL SEGREGATION ORDER

By ALVIN D. SMITH

Indianapolis, Ind., April 2.—Mayor John L. Duvalle, known to Indianapolis citizens as the "Flying Mayor," lived up to his reputation last week when he signed the city residential segregation ordinance and then left town for somewhere in Louisiana" before it was generally known that he had acted upon it. In signing the measure, the mayor acted directly contrary to his statement recently to a Defender representative whom he assured he had no intention of stamping his approval upon a bill that places Indianapolis in the same category with the South.

Ordinance a Surprise

The ordinance, which makes it unlawful for members of the two races to own and occupy property in the same districts, came as a complete surprise to members of our Race who own property in all sections of Indianapolis, and its passage has aroused the city more than anything has done in recent years. Already a campaign has been started to raise a fund for fighting the ordinance before the higher courts of the country, even to the United States supreme court if that becomes necessary. Citizens of Indianapolis have also declared that they, for the first time in the history of the city, are together. They have pledged themselves to fight any attempt to drive them out of their homes. They are acting upon the information that the United States supreme court has, upon at least three occasions, declared that residential segregation is unconstitutional and that the Indianapolis city council passed this ordinance in defiance of these rulings.

Mayor "Double Crosses"

The action of Mayor Duvalle in signing the segregation ordinance did not come as a complete surprise to members of our Race in Indianapolis, because of the record he set for himself almost upon the day of his election. Immediately upon assuring himself that with votes of our people he had been elected, the mayor took himself to a town in Illinois and as one of his first appointments placed Arthur McGhee, recognized leader of the Klan forces in this city in a high position with the police department, but such pressure was brought to bear by others who saw in this move a slap at decent government, that Duvalle was forced to withdraw the appointment before McGhee had begun to function.

Exponents of the segregation ordinance, headed by the White People's Protective league, the organization that drew up the measure, celebrated the mayor's signing the ordinance with a meeting in the Methodist Protestant church at W. 30th St. and Ethel Ave. Among those present were City Councilmen A. H. Todd and Claude Negly, who were loudly cheered upon their arrival. In their talks they told of their fight to get the bill across and praised the mayor for signing it.

Mayor Duvalle, according to last reports, is still sojourning in Louisiana, the state noted for its Klan murders at Bastrop and Mer Lake.

MAYOR DUVALL SIGNS SEGREGATION MEASURE

INDIANAPOLIS, Ind., April 1.—Ignoring the warning from the Attorney General that he refuse to sign Indianapolis' infamous segregation bill, sponsored by certain white "Supremacy leagues," Mayor Duvall, last Thursday yielded to public opinion and affixed his signature to the which is destined to limit the districts into which Colored or white persons could establish residence.

Mayor Duvall's action was taken after a delegation of prominent citizens had waited upon him and pointed out that the ordinance was in direct violation to a decision rendered in 1917 by the United States Supreme Court in the famous Louisville Segregation Case.

The N. A. A. C. P. has organized an extensive fight against the proposed segregation ordinance.

Race Segregation

TO THE EDITOR OF THE NATION:

SIR: Referring to the race-segregation ordinance adopted by the City Council of Indianapolis recently, will you permit me to say a few words of protest anent an editorial paragraph in your issue of March 31?

The question is not really one of civil rights but rather a social condition which is becoming a serious one, and it is just as well that the issue should be made north of the Ohio and Potomac rivers, where what it means is now being realized. Our distinguished fellow-citizen Mr. Moorfield Storey and many others of his way of thinking have the idea that the Negro is being discriminated against by such ordinances as this one. In Northern cities, where the Negroes represent a very small proportion of the population, it is probably hard to understand what this problem means in the South, where in many of our cities the Negro population is frequently as much as one-third of the whole. This particular ordinance forbids white people to live in the zone set aside for the Negroes, and per contra seeks to forbid encroachment by Negroes in the white zone. This makes for a satisfactory *modus vivendi* to which it seems to me no reasonable objection can be found. To the upper classes of white people the problem is not a serious one because the instances are rare where Negroes acquire property by purchase or lease in neighborhoods where well-to-do people reside, but in the poorer sections the case is different.

If white and Negro children mingle and grow up together, race differences mean nothing. This condition makes for a mongrel breed, surely not to be desired from any standpoint. The Negro should be as anxious to preserve the purity of his race as the white man. No right-thinking Negro can believe that he has anything to gain otherwise. Self-respect should be paramount in either case, and if you are a real friend of the Negro you will cease to advocate the intermingling of the races.

New Orleans, April 2 WILLIAM M. RAILEY

Indianapolis Shows Teeth At Segregation Ordinance

$5,000 Is Raised For Defense Fund To Test Constitutionality. Noted Lawyers Employed. Twelve Hundred Join N. A. A. C. P.

INDIANAPOLIS, Ind., May 5.—Fired with a spirit of resistance by the continual oppression that is being heaped upon the race all over the country, and particularly in this city, in which klan control is so prevalent in politics, the local colored citizens are preparing a fight of strong opposition to overthrow the latest injustice that has been forced upon them—the Indianapolis segregation ordinance.

A good indicator of the way things are going among the colored people of Indianapolis is found in the report of their activities during the past week. More than $5000 has been subscribed for the defense fund being raised to test the constitutionality of the segregation measure; plans have been completed to employ a widely known law firm to handle the case, namely, Miller Bailey and Thompson, which was founded by President Benjamin Harris, and of which former U. S. Attorney General W. H. Miller was a member; three colored attorneys will assist in handling the case: R. L. Brokenburr, W. S. Henry and F. B. Ransom, and more than 1,200 members have joined the local N. A. A. C. P. Even members of the white race are showing resentment at the oppression which their race brothers are heaping upon the colored citizens and several have made substantial contributions to the defense fund. Among the white contributors have been the novelist Meredith Nicholson and Herman Lieber.

the National Association for the Advancement of Colored People and was based upon the Supreme court decision in the Louisville, Ky., case in 1917.

Immediately after the mayor signed the ordinance, similar in detail to the Louisville Jim Crow law that was overthrown by the Supreme court, the association opened war on it. Mass meetings were held and funds were subscribed by the citizens of Indianapolis to combat the transplanting of southern principles into the Northland. The case was handled by Attorneys R. L. Brockenburr and F. B. Ransom, the latter a member of the board of directors in the association.

When the segregation orinance was proposed in this city, it was pointed out by several eminent lawyers that it would be unconstitutional. The Louisville case was cited as precedent for the belief that the United States Supreme court would overrule this law. But politicians, ignoring this advice, proceeded with their plans and then submitted the ordinance to Mayor Duval for his signature. Almost upon the heels of his election as mayor of the city, Duval's first conspicuous act was the signing of the law which segregated a great number of those who helped elect him. A demonstration was then staged in one of Indianapolis' white churches at which the mayor was reputed to have been present.

The association started its fight on the law, employing the same tactics it used when the Louisville ordinance was passed, and finally outlawed. In its decision last week, the circuit court declared that it could not ignore the facts as set forth by the Supreme court, consequently could decide only against the law.

COURT RULES OUT INDIANA SEGREGATION

Indianapolis, Ind., Dec. 3.—The city segregation ordinance, passed early this year and signed by Mayor [illegible] is unconstitutional, according to a decision rendered last week by the Indiana circuit court. The decision grew out of a test case instituted by

NEWS
INDIANAPOLIS, IND.

NOV 24 1926

SEGREGATION ORDINANCE

Judge Chamberlin, of the Marion circuit court, has held that the segregation ordinance passed by the council last March is unconstitutional. The purpose of the ordinance was to effect a segregation of the two races as far as concerned place of residence. It forbade colored people to live in property in a white neighborhood, even though they might own it, without the consent of the neighbors, and it applied the same rule to white people living in colored neighborhoods. The fatal defect was that it made the right of the citizen to live in his own property depend on the consent of other citizens, and so put it in the power of those other citizens to deny to the property owner in question the enjoyment of a fundamental right. The city as a city, and acting as such, may, under the police power, impose limitations on the exercise of the right of property. But it is at least doubtful whether even the city could say that a man shall not buy a piece of property anywhere in the city, and, having bought it, live in it. It can not delegate any such power to private citizens.

The case which arose under the ordinance illustrates the point at issue. One colored man had contracted to buy property of another, and refused to carry out the contract because he felt that the ordinance forbade him to use the property as a residence — the neighborhood being white. That is, the man who had a complete title to the property, could, under the ordinance, give only a qualified title, such title being all that the buyer could take. The owner could not live in it himself, could not sell it for residence purposes (without the consent of neighbors).

"This case is not and can not be," said Judge Chamberlin, "amenable to the doctrine of police regulation." The very question raised here has been passed on by the federal supreme court, Judge Chamberlin shows. The laudable purpose of the ordinance is to "prevent strife between the races." This very argument was urged before the supreme court, which said: "Desirable as this is and important as is the preservation of public peace, this aim can not be accomplished by laws or ordinances which deny rights created or protected by the federal Constitution." The law, therefore, is settled. There are left, of course, questions of policy that are more or less grave, and difficult of solution. One thing certainly should be done as soon as possible, and that is to pave the streets in colored neighborhoods, and make them so attractive that there will be no desire to get out of them. The colored people who move into white sections are not, as a rule, seeking to get away from their own people and into relations with the whites, but are moved by the desire to live in better surroundings. The surroundings should be made as good as those in white sections, so that there may be no reason for leaving them.

'JIM CROW' LAW NOT VALID, SAYS INDIANA COURT

Segregation Law Passed At Indianapolis Is Hit By Court In Its Ruling

INDIANAPOLIS, Ind., Dec. 1.—In a test case to decide the validity of the segregation ordinance passed last spring by the city council and signed by Mayor Duval, Circuit Court Judge Harry O. Chamberlain ruled that the ordinance is unconstitutional. The plaintiff in the case asked a decree in performance on his contract against the defendant upon the ground that the ordinance is unconstitutional in that it violates the 14th amendment of the Federal Constitution.

The defense had in their support of their contention several citations and characterized their brief as perfect by which they were willing to stand or all on the reasoning involved. A parallel case concerning the municipal city ordinance of Louisville, Kentucky, was cited. This was all broken down however by the defense argument.

The Preamble

An Ordinance, relating to the establishment by white persons of a home residence in a Negro community and the establishment by Negroes of a home residence in a white community providing a penalty for the violation thereof and declaring a time when the same shall take effect.

Whereas, in the interest of public peace, good order, and the general welfare, it is advisable to foster the separation of white and Negro residential communities; THEREFORE,

Be it ordained by the Common Council of the City of Indianapolis, Ind.:

Section I. That it shall be unlawful for any white person to hereafter establish a home-residence on any property located in a Negro community or portion of the municipality inhabited principally by Negroes, or for any Negroes to establish a home-residence on any property located in a white community or portion of the municipality inhabited principally by white people, except on the written consent of a majority of the persons of the opposite race inhabiting such community or portion of the city to be affected; the aforesaid written consent to be filed of record with the City Clerk.

The attorneys in the case were for plaintiff, Mr. Gaillard—Samuel D. Miller of the firm Miller, Daily and Thompson, assisted by R. L. Brokenburr and W. S. Henry. Dr. Guy L. Grant, defendant was represented by Mr. Alvah J. Rucker Corporation Counsel, Omer S. Whiteman, Mr. Mayfield and Mr. Hall.

Segregation-1926

Indiana.

A NATIVE-BORN WHITE MAN WRITES ON SEGREGATION

Chicago Defender 11-6-26

We are reprinting below a manifesto published in a sheet, and distributed by Lewis E. Greer of Indianapolis. We reprint this as an editorial, not so much to call your attention to the real evils of segregation as to give evidence that there are still some white men in America who are opposed to this injustice. That the author of this declaration lives in Indianapolis, the hotbed of Kluxism, is significant, and adds to the belief that Klansmen are, after all, doing much to break down the very causes they espouse through their cowardly methods of treatment.

Chicago Ill.

SEGREGATION

I am a native-born white man.

As a citizen, I protest against any segregation of Colored citizens.

As a taxpayer, I oppose any infringement of the rights of Colored taxpayers.

As an American, I am against any abridgement of the privileges and liberties of Colored Americans.

As a Christian, I disapprove of every manifestation of ill will toward our Colored folk and I wholly commit myself to the practice of a Christlike good will.

I stand squarely opposed to any denial of the right of a Negro to buy and occupy property where he chooses. Segregation violates the natural right of residence of American citizens.

I am unalterably opposed to segregating the Colored people because it establishes customs and precedents which places every minority at the mercy of the group in power at any given time. Different social conditions and a changing popular opinion may easily involve the Jew, the foreign born, the Catholic, the Socialist, or any other minority, incurring the displeasure of the ruling group. A threat against one group is a peril to every other group in the nation. The safety of one group involves the security of all.

I am against incurring needless litigation, costing the Colored populace and the white taxpayer heavily in time, effort and money. The U. S. supreme court has repeatedly declared segregation to be unconstitutional and it is both foolish and wasteful to attempt that which cannot be upheld.

I protest against segregation of the Colored citizen because it is contrary to the traditional hospitality of the early pioneers. Segregation repudiates the traditions of American tolerance, good will and democracy.

I am opposed to segregation because it is the adoption of an administrative policy and sentiment which emanates from communities infected with the mob spirit and the lynching mania.

I stand squarely against segregation because only a small group of our citizens actually demand it. A survey of our population shows one solid group, the Colored folk, opposing it. The majority of Jews and foreign born are against it because it indirectly threatens them. Many Catholics and Protestants are against it as a matter of common justice. There are thousands who do not disapprove of segregation, yet who do not assert their demand for such a measure. Hence the actual demand for segregation arises from the relatively small group who happen to be in power.

I protest against the appeal to racial hatred; I am against arousing the race spirit; I am opposed to stimulating racial antagonism; for such are the outstanding results of all segregation measures.

I object to segregation because it implicates me, as a member of white society, in a social policy and attitude which I hold to be grossly unjust, un-American and unnecessary.

I am against segregation because it increases the problem of the housing of our Colored citizens. It makes the housing conditions for Negro families worse without offering a single hope of betterment.

I am against segregation because it has always failed everywhere it has been tried out. It has failed with every race in every land to promote social peace, common welfare, or mutual respect and progress. Its unfailing effect has been to intensify racial bitterness, incite to violence and gross injustices, and perpetrate brutal atrocities.

I protest against segregation because it is undemocratic, unchristian, unnecessary, unsocial, unwise, unjust and harmful to social peace and common welfare.

Segregation 1926

Kansas.

WHITE REPORTS TENSE RACIAL SITUATION IN KANSAS CITY

New York, Dec. 18—Walter White Assistant Secretary of the National Association for the Advancement of Colored People, reports from Kansas City that race relations there are tense and that much bitter feeling exists over segregation both residential and in schools. Mr. White last Sunday night addressed the Linwood Christian Church Forum, before an audience of 1500, telling the story of the Aiken, S. C. lynching which he was the first to investigate and also attacking the Linwood Improvement Association, a white property owners' segregation group, some of whose members were doubtless in his audience. Dr. Burris Jenkins, pastor of the church in which Mr. White spoke, had condemned the segregation movement from his pulpit and over the radio.

During the discussion on Mr. White's address, a young white Southerner arose in the audience and announced that he loved Negroes as long as they "stayed in their places" and that he did not want any Negroes "stepping on his face and climbing higher than he." Mr. White replied by inquiring if the Southerner set himself up as an arbiter of superior and inferior races; and declared that he always doubted the superiority of any person who felt it necessary to proclaim his superiority.

A report on the serious race tension in Kansas City, drawn up by F. I. Lane and forwarded by Mr. White, include

Schools—Inade[illegible] a bui[illegible] for Colored children, 5 of the 13 s[illegible]ools having old-fashioned privy vaults. No Junior High School nor College nor special Trade School for Colored students such as furnished for white.

Police—Colored people complain of brutal beatings at the hands of the police, stopping of fair Colored girls riding in automobiles with darker escorts, employment of blood hounds to find criminals in congested Negro districts, etc.

Stores— Discrimination practised by not allowing Colored people to purchase goods on same terms as whites. No lunch or other facilities for Colored women shopping downtown. At Kresge's Colored people may buy hot dogs but may not stay to eat them near the counter.

Population—Increase from 23,000 Negroes and 248,000 whites in 1910 to 35,000 Negroes and 350,000 whites in 1926. In 1926 Chamber of Commerce estimates 40,000 Negroes and more than 400,000 whites.

Housing — Congestion has enormously increased. Old and unsanitary houses for Negroes, harboring disease germs, make the Negro death rate much higher than the white.

The Linwood Improvement Association—Proposes to force out Negro families in the district by asking the Park Board to condemn their property for park purposes.

Segregation-1926

Louisiana

Injunction Puts End To Segregation

NEW ORLEANS, La., Feb. 25.—A temporary injunction has been issued against the City of New Orleans restraining it from enforcing the segregation ordinance with respect to property occupied by Negroes at 2328 and 2330 Palm avenue. The Land and Development Association which filed the petition says that the property in question has been occupied by colored residents for the past twenty years and that the city through its officials threaten their tenants with arrest and prosecution if they do not move. The section in question is in the heart of an aristocratic white neighborhood.

New Orleans Segregation Law Valid

New Orleans, La., March 10 (ANP)—Judge Hugh C. Cage has decided that the segregation law passed by the state legislature is legal and as the result Negroes are restrained from residing on Palmer Avenue, although the property in question has been occupied by them for the past twenty years.

N. ORLEANS SEGREGATION CASE GOES TO UNITED STATES SUPREME COURT

Associated Negro Press

NEW ORLEANS, La., Mar. 24.—Contest over the validity of the city's segregation ordinance was carried to the United States Supreme Court when the Land Development Company obtained a temporary injunction restraining enforcement of the measure in regard to a Palmer Avenue house in which it is alleged that Negroes have occupied the double residence in question for a period of twenty years, and that they could not be prevented by the city from continuing to live there. The land company alleges in its petition that it is being deprived of its property without due process of law in violation of the Fourteenth Amendment to the Constitution.

Judge Burns has directed the city to show cause why the enforcement of the ordinance should not be permanently enjoyed.

NEW ORLEANS SEGREGATION LAW GOING TO U. S. SUPREME COURT, ACCORDING TO PRESIDENT LUCAS

New Orleans, La.—Dr. George W. Lucas, president of the New Orleans branch of the National Association for the Advancement of Colored People, reports that the residential segregation case, originating in that city, on which adverse decisions have been rendered by the state courts, is now ready for presentation on appeal to the United States Supreme Court in Washington.

The N. A. A. C. P. will base its fight in this case on the Louisville segregation case won in the Supreme Court in 1917, by Moorfield Storey, president of the N. A. A. C. P., in which the Supreme Court held that ordinances of states or municipalities establishing residential segregation were unconstitutional.

The New Orleans case originates in a Louisiana state law, directly violating the Supreme Court's decision, enabling the cit New Orleans to establish colored and white zones, into wh citizen of either race could move without unanimous cons the other group.

SEGREGATION LAW VALID

New Orleans, La., March 12.—Judge Hugh C. Cage has decided that the segregation law passed by the state legislature is legal and as the result Negroes are restrained from residing on Palmer avenue, although the property in question has been occupied by them for the past twenty years.

tition asking for the injunction that it was being deprived of its property without due process of law in violation of the Fourteenth Amendment to the United States Constitution.

It also alleged Negroes had resided in the double residence at 2328-30 Palmer Avenue for twenty years and that they could not be prevented by the city from continuing to live there. The petition also cited an opinion of the United States Supreme Court which, it was alleged, nullified the city ordinance.

The segregation ordinance prohibiting erection of Negro homes in white neighborhoods, and Negroes from moving into a neighborhood where a majority of the residents are white, or prohibiting white people from Negro sections in the same manner, was recently held to be valid and constitutional by the Louisiana state supreme court.

SEGREGATION LAW WILL BE TESTED IN FEDERAL COURT

Temporary Injunction Issued in Suit by Judge Burns.

New Orleans, La.—Contest over the validity of the city's segregation ordinance was carried to United States Supreme Court yesterday when the Land Development Company obtained a temporary injunction restraining enforcement of the measure with regard to a Palmer Avenue house.

Judge Louis H. Burns of the federal district court directed the city to show cause by March 25 why the enforcement of the law should not be permanently enjoined and the segregation law declared invalid.

The land company alleged in the petition asking for the injunction that it was being deprived of its property without due process of law in violation of the Fourteenth Amendment to the Constitution.

It also alleged Negroes had resided in the double residence at 2328-30 Palmer Avenue for twenty years and that they could not be prevented by the city from continuing to live there. The petition also cited an opinion of the United States Supreme Court which, it was alleged, nullified the city ordinance.

The segregation ordinance prohibiting erection of Negro homes in white neighborhoods, and Negroes from moving into a neighborhood where a majority of the residents are white, or prohibiting white people from Negro sections in the same manner, was recently held to be valid and constitutional by the Louisiana state supreme court.—N. O. Times-Picayune.

NEW ORLEANS SEGREGATION CASE NOT FILED IN SUPREME COURT

New Orleans, La., April 21.—Up to date of April 16th, the white lawyer who heads counsel for the colored people of New Orleans against the segregation law, had not yet filed the case in Supreme Court in Washington. The colored people are beginning to get a bit suspicious and restless; the lawyer is delaying unduly, it seems to some of them. The colored lawyer who is associated with him wants to have the case docketed at once. Formerly the Supreme Court allowed only twenty days after judgment was rendered by state court, to elapse before the case would fall automatically and not be accepted by the Supreme Court. Lately the Supreme Court extended this time to sixty days. But colored people are not willing to risk their case on the virtue of this extension—for their case was in court and a matter of litigation before the new rule was made—and the Supreme Court always takes hold of any technicality in order to drop such a case of the colored people.

There is such a thing in the world as the "double cross," although nobody is charging it yet in this case. Supreme Chancellor Green, of Pythains was double crossed by a Southern white lawyer a little while ago, in a case to compel the railroads to furnish Pullman accommodations to colored passengers. The lawyer simply let the time slip around to the last day for going to Washington and filing the appeal, and then his wife got suddenly and conveniently sick, so that he couldn't go at all—and Green's case went overboard. Nobody says that the railroads bought off this lawyer of Green's, but everybody knows that railroads have done such things.

The colored people of New Orleans have a right to take care and watch out. —

SEGREGATION CASE GOES TO SUPREME COURT

New Orleans, La., April 4.—(By The Associated Negro Press)—Contest over the validity of the city's segregation ordinance was carried to the United States Supreme Court when the Land Development Company obtained a temporary injunction restraining enforcement of the measure in regard to a Palmer Avenue house in which it is alleged that Negroes have occupied the double residence in question for a period of twenty years, and that they could not be prevented by the city from continuing to reside there. The land company alleges in its petition that it is being deprived of its property without due process of law in violation of the Fourteenth Amendment to the Constitution.

Judge Burns has directed the city to show cause why the enforcement of the ordinance should not be permanentlyy enjoyed.

SEGREGATION LAW WILL BE TESTED IN FEDERAL COURT

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It also alleged negroes had resided in the double residence at 2328-30 Palmer avenue for twenty years and that they could not be prevented by the city from continuing to live there. The petition also cited an opinion of the United States supreme court which, it was alleged, nullified the city ordinance.

The segregation ordinance prohibiting erection of negro homes in white neighborhoods, and negroes from moving into a neighborhood where a majority of the residents are white or prohibiting white people from negro sections in the same manner, was recently held to be valid and constitutional by the Louisiana state supreme court.—N. O. Times-Picayune.

SEGREGATION SUIT DISMISSAL ASKED IN FEDERAL COURT

Action Already Under Way in District Tribunal Walmsley Contends

Dismissal of the suit for an injunction to restrain enforcement of the city segregation ordinance filed in federal district court recently by the Land Development Company on grounds that similar action had been filed in the civil district court and was pending in the state supreme court was asked by City Attorney T. semmes Walmsley when the case went to trial in federal court yesterday.

Another reason for dismissal of the petition of the land company presented by Francis P. Burns, assistant city attorney, on the grounds that the company was without right to bring the suit. He contended only the occupant of the house owned by the land company, who was threatened with arrest for violating the segregation law, was entitled to sue for the injunction.

Judge Louis H. Burns, who heard the case, requested city attorneys to file briefs with lists of court decisions cited in their arguments by next Tuesday and told Theodore Cotonio, attorney for the land company, to submit his papers of a similar character to the court in eight days.

The city attorneys asserted no property right was involved as alleged in the land company's suit, but that only the use of the property of the land company by individuals was in question. It was pointed ut that the land company might appeal to the United States supreme court from the state high court, if they receive an unfavorable decision. The case was returnable in the state supreme court yesterday.

The Land Development Company sued for an injunction to restrain the city of New Orleans from arresting or interfering with the occupation of a double house at 2328-30 Palmer avenue by negroes. A majority of the residents of the section is said to be white.

New Orleans Times Picayune.

ASK DISMISSAL OF SUIT AGAINST SEGREGATION

City Attorney Asks Leave Of Court To Dismiss Segregation Case

NEW ORLEANS, La., June 2.—Dismissal of the suit for an injunction to restrain enforcement of the city segregation ordinance filed in federal district court recently by the Land Development Company on grounds that similar action had been filed in the civil district court and was pending in the state supreme court was asked by City Attorney T. Semmes Walmsley when the case went to trial in federal court yesterday.

Company Has No Right Claim

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Judge Louis H. Burns, who heard the case, requested city attorneys to file briefs with lists of court decisions cited in their arguments by next Tuesday and told Theodore Cotonio, attorney for the land company, to submit his papers of a similar character to the court in eight days.

No Property Right Involved

The city attorneys asserted no property right was involved as alleged in the land company's suit, but that only the use of the property of the land company by individuals was in question. It was pointed out that the land company might appeal to the United tSates supreme court from the state high court, if they receive an unfavorable decision. The case was returnable in the state supreme court yesterday.

The Land Development Company sued for an injunction to restrain the City of New Orleans from arresting or interfering with the occupation of a double house at 2328-30 Palmer avenue by colored tenants. A majority of the residents of the section is said to be white.

Segregation Is Upheld By

NEW ORLEANS, La., July 22.—(By A. N. P.)—The city segregation ordinance has again been upheld by the State Supreme Court when the Land Development Company of Louisiana was denied an order enjoining the city from enforcing the law which would prevent the company leasing a dwelling to a Negro for residential purposes. The company claimed that the ordinance was unconstitutional in that it deprived the owners of their property rights. The city contended that the ordinance does not prevent the leasing of property to Negroes, except for residential purposes.

NEW ORLEANS, La.—A city ordinance here, which in effect prevents Negroes from living in white neighborhoods, was declared unconstitutional by the Land Development Company of Louisiana, Ltd., in that it deprived the company of its legal rights by forbidding a Negro from using one of its houses for residential purposes, through a suit against the city.

However, the city contended that the ordinance does not interfere with the company in the matter of leases. The property may be leased to Negroes, the prohibition being against occupancy of the premises as a residence by Negroes. The court upheld the city's contention.

TIMES-PICAYUNE
NEW ORLEANS, LA.

NOV 2 - 1926

Blast in Front of Negro Home Heard for Mile

Scene of Bomb Explosion Located by Police With Difficulty

Police were mystified by an explosion, apparently of a bomb or stick of dynamite, which wrecked the front steps and broke glass in the residence of H. E. Braden, negro, 2000 Louisiana avenue, and also shattered a window in the residence of Father Kane, pastor of the Church of the Holy Ghost, 2003 Louisiana avenue.

The explosion took place about 10:50 p. m. and it was only after an intensive search of an hour and a half that police discovered the scene. Members of Braden's family were sleeping in the rear of the house and were awakened by the explosion, but did not think it was at their home. Braden arrived shortly after midnight and noticed the damage to the front of his house and telephoned the police. One end of the concrete steps had been torn away by the explosion.

Braden, who operates the Astoria hotel at 235 South Rampart street, and who also is president of the Douglas Life Insurance Company in the negro Pythian Temple, declared that he had no enemies that he knew of and could offer no clue as to who had attempted to wreck his home.

The explosion was heard for more than a mile.

Ordinance High Courts

TIMES-PICAYUNE
NEW ORLEANS, LA.

NOV. 1 5 1926

ANOTHER EFFORT TO BOMB NEGRO'S RESIDENCE FAILS

Police Baffled by Fifth Explosion in Neighborhood

Second attempt within three weeks to blow up the handsome home of H. E. Braden, wealthy negro, at 2000 Louisiana avenue had the police mystified last night. This is the fifth bombing in a negro neighborhood during the last month.

The bomb, which was thrown shortly after 11 o'clock last night tore only a small hole in the high, sodded grass terrace but the detonation was heard for blocks.

Captain Adolph Anderson and Captain of Detectives George Reyer with a number of detectives and policemen from the Seventh Precinct arrived a few minutes after the explosion and were engaged during the night attempting to get an inkling of the bomb-thrower's identity.

One clue was furnished by two negro youths who were standing on a corner a block away. They said that a closed car followed closely by another sedan passing the Braden residence as the explosion flashed, and that a few minutes after the explosion the two cars again passed there. They gave the police a number which they said was on the license plate of the first car, and in which they said five youths were riding.

Braden, who runs the Astoria negro hotel at 237 South Rampart street, and who also is head of the Douglas Life Insurance Company with offices in the negro Pythian Temple, said he could offer no suggestion as to who might want to blow his home up.

The first of the five bombings took place less than four weeks ago in a garbage dump adjoining the Lincoln negro moving picture theater at Louisiana avenue and Rampart street, just a few blocks from Louisiana avenue and South Rampart street, where Braden's home is located and where the second bombing took place a few nights later. The latter bombing tore away an end of a concrete step and crashed windows in the front of the house and in a house across the street. The third bombing took place a litmore than a week ago, when a bomb was dropped from a speeding automobile in Eighth street between Carondelet and Baronne streets early at night, crashing several windows in the neighborhood.

Last Wednesday night a bomb was thrown from a passing automobile into a vacant blacksmith shop at 336 Saratoga street, within three blocks of police headquarters. It did but little damage, but also crashed windows across the street.

Segregation - 1926

Louisiana.

On the Trail of the Bombers

National Negro Voice
11-20-26

So little has been appearing in the three local white dailies relative to the bomb throwing at colored properties, that the colored people had begun to think the white citizenry and the police authorities were not interesting themselves very much in trying to apprehend those responsible for the outrages. New Orleans, La.

Knowing the thoughts of our group, touching the matter, a Voice representative interviewed Supt. Healy of the police department and found that a determined effort is being made to discover the person or persons committing these crimes and endangering the lives and property of peaceful, law-abiding colored citizens.

It is not always best to publish broadcast the plans being laid by the police to capture criminals. There are times when it is best to work as secretly as possible, lest the criminals learn of the plans laid to capture them and take such measures as will frustrate these plans.

Just such a course is being pursued by the police in the case of these bomb throwers. It is learned that every effort is being made to trap those responsible for them, with as little publicity as possible as to how it is to be done.

The better element of white people will not stand idle and see innocent, thrifty colored people imposed upon and our group can rest assured that should these activities continue, the persons responsible for them will surely be captured and, according to Supt. Healy, they will be given the full punishment provided by the law in dealing with such unscrupulous criminals.

SOUTHERNERS BOMB INSURANCE HEAD'S HOME

Courier 11-13-26. Pittsburg Pa.

NEW ORLEANS, La., Nov. 11.—H. E. Braden who operates the Astoria Hotel at 235 South Rampart street here and who is also president of the Douglas Life Insurance Company, had his home at 2000 Louisiana avenue, partially shattered last week, when a mysterious bomb was exploded in front of his residence, and caused similar damage in front of the home of Father Kane, pastor of the Church of the Holy Ghost, across the street.

Police were apparently mystified by the explosion, which took place about 10:50 p. m., and it was only after an intensive search of an hour and a half that police discovered the scene. Members of Braden's family were sleeping in the rear of the house and were awakened by the explosion, but did not think it was at their home. Braden arrived shortly after midnight and noticed the damage to the front of his house and telephoned the police. One end of the concrete steps had been torn away by the explosion.

Braden declared that he had no enemies that he knew of and could offer no clue as to who had attempted to wreck his home.

The explosion was heard for more than a mile.

BRADEN HOME, NEW ORLEANS, BOMBED AGAIN

Courier 11-20-26 Pittsburg Pa.

New Orleans, La., Nov. 15, 1926.—Another attempt was made to destroy the handsome residence of H. E. Braden, 2000 Louisiana Avenue. A bomb was thrown about 11 o'clock Sunday night, November 14. This is the second attempt within three weeks to blow up this costly home. But little damage was done, only the beautiful high grass terrace being damaged. This is the fifth bombing in Negro neighborhoods within a month. Though the police detectives and captains were on the scene shortly after the detonation was heard, no inkling of the bomb-throwers identity has been found.

Mr. Braden said he could offer no suggestion as who might want to blow his home up. The entire neighborhood is terrorized by the frequent throwing of the mysterious bombs, and the danger of being killed. That section of the city has been taken over by the Negroes who have built some very swell homes, which has no doubt caused envy of some persons. Two colored boys, who were standing a block away when it occurred, said they saw a closed car, followed closely by another sedan, passing the Braden home as the explosion flashed.

A bomb was recently thrown in the vicinity of the Pythian Temple, 336 Saratoga Street, which crashed windows across the street from where it was thrown. The Negro population has become much alarmed at these occurrences.

Segregation-1926

Maryland.

Segregation Injuncti Granted in Baltimo

NEGROES BARRED FROM LIVING IN FRANKLIN ST. BLOCK

Baltimore, Md. — Baltimore has again forged to the front in the matter of segregation. On Wednesday last, Negro invasion of the 1100 block West Franklin Street was halted yesterday by an injunction issued by Judge Robert F. Santon, in Circuit Court No. 2. The injunction forbids Henry Johnson, Negro, from occupying 1107 West Franklin Street and prohibits the renting of the property to Negroes. The injunction bond was fixed at $1,000.

The suit in which the injunction was issued was brought by a group of white citizens, members of the Lafayette Square Protective Association. The defendants were Frederick I. Scott, Johnson and Mrs. Ellen J. Sheckells.

Agreement Cited

According to the bill of complaint, filed through John H. Hessey, attorney, the complainants are among the residents and property owners of the blocks who signed an agreement that their property should not be occupied by Negroes.

Mrs. Sheckells and her husband, it was said, owned 1107 and 1129 West Franklin Street and were among the signers of the agreement.

Occupied by Negro

Mr. Sheckells died and his widow, it was asserted, sold the leasehold interest in 1107 to Helen B. Baker, who transferred it to Frederick I. Scott, on December 23 last. Mr. Scott, it was alleged, has rented the house to Johnson, who now occupies it with his family.

The segregation agreement of the property owners in the block is relied on by the complainants, and Mr. Hessey, their attorney, said the Negro family would be compelled to vacate.

White Mob Gathers To Halt "Invasion" By White Tenant

An innocent little boy, sitting on the front steps of a house at 323 Cedar avenue, almost caused a reign of terror in that neighborhood Tuesday.

Residents of the block peeping from their curtained windows, saw a van roll up and unload furniture in a vacant house in the block. When it had deposited its load and left someone noted a small boy sitting on the steps.

Curiosity changed into horror, for this little boy was of Negro blue and the block was white. Consternation reigned; telephone lines hummed and before no time the mob spirit had brought a group before the place with the usual intent to bomb and stone the new tenants out.

A hurry call brought the officers who ordered the mob to disperse and when two of its members showed signs of defying the minions of the law they were arrested. Others left and organized an indignation meeting and a protective organization was formed to fight the "invasion."

Meanwhile the little brown skinned urchin sat with undisturbed innocence on the doorstep. He had simply been hired to watch the place by a white family that was moving in.

COURT GIVES FAMILY 24 HOURS TO LEAVE WHITE NEIGHBORHOOD

Segregationalists Obtain Ultimatum To Oust Colored Dweller From Block In Baltimore, Md.

BALTIMORE, Md., Feb. 3.—Henry Johnson, colored, through a court order, Friday was given thirty-four hours to vacate the house in which he lives with his family at 1107 West Franklin street. The ultimatum was announced by Circuit Judge Bond in the suit of white residents of 1109 West Franklin to force the Johnsons, their next door neighbors, to move.

Ignored Court Order

The suit was brought against Johnson and the white owners of the house which he was occupying. An injunction was granted by Judge Robert F. Stanton on January 18, requiring Johnson to move out of the house. Johnson, however, failed to move and John Hessey, attorney for the whites, obtained an order of court requiring the defendants to show cause why they should not be punished for contempt.

Mrs. Ellen J. Scheckells and Frederick J. Scott, owners of the property, filed answers in the contempt proceedings. Johnson did not file his answer until Friday.

Case Continued

In his answer, Johnson stated that he was not aware of any restrictions on the occupancy of the dwelling, and that the members of his family were decent, self-respecting people, and would so conduct themselves if permitted to stay in the dwelling.

Judge Bond, after announcing the ultimatum, dismissed the contempt orders as to Mrs Sheckells, and postponed further hearing of the case until next Friday.

NEW YORK CITY POST
JANUARY 8, 1926

Baltimore

Returning to his home, 319 North Cary street, Samuel M. Dean finds his wife and three-year-old daughter lying dead from gas.

Upholding pact signed by property owners in block, Judge Stanton in Circuit Court halts negro invasion of 1100 block of West Franklin street by issuing injunction against family that tries to move in.

Forcing grating from window, thirteen youths escape from St. Mary's Industrial Hospital. Five are recaptured.

Because his audience at Lyric had been segregated, Roland Hayes, celebrated negro tenor, refuses at first to give his concert. Held to his contract, he gives program and receives ovation.

Mrs. Louise Wentworth Boynton, prominent in society, wins absolute divorce from Jesse Lyman Boynton, whose debts, she alleged, were paid with her fortune, forcing her to work in department store.

Where Segregation War Is Looming

2400 Woodbrook Avenue, where an advertisement in the Afro-American, offering the property for sale caused residents to ask an injunction preventing colored occupancy. (Story on local page.

The house in question is directly behind the tree.

BILL TO CONDEMN FT. RENO PROPERTY FOUGHT BY RACE

Loss of Homes Threatened

The colored citizens of Ft. Reno awoke just in time to forestall being driven from their homes by what appears to be the sinister influence of real estate developers. A bill had been presented to Congress, considered by a sub-committee and voted upon for a favorable report when the attention of property owners was called to the matter by A. S. Pinkett, secretary of the N. A. A. C. James Neill, sceretary of the Equal Rights League and Thomas A. Dyson hurried to the Capitol last Monday morning just in time to intercept Congressman Gibson, chairman of the subcommittee, as he was entering the District of Columbia Committee room to favorably report the bill, and induced him to withhold his report until the citizens of Ft. Reno could have an opportunity to be heard on the matter.

Tuesday night a meeting of the Citzens' Association was held and resolutions adopted petitioning Congress to reject the bill on the ground that it is prejudicial to the interests of property owners of Ft. Reno.

The bill which has created the furor proposes to condemn for public park purposes property lying within a prescribed area, and, strange though it may seem, that area includes every piece of land owned by colored citizens in that vicinity.

It developed at the citizens' meeting that for some time past efforts have been made to induce the colored property owners to sell, but the prices offered have been ridiculously low and were refused.

SEGREGATION MOVE STARTED IN WOODBROOK AVE.

Get Temporary Injunction When Advertisement Appears In Afro-American

SAY 75 PER CENT SIGN AGREEMENT

Base Action On Usual Pact Not To Sell To Colored People

A temporary injunction was granted to Joseph Levy by Judge Duke Bond in Circuit Court Friday restraining six residents of the 2400 block Woodbrook from disposing of their property to colored people.

The request was made when an advertisement appeared on the real estate page of the AFRO-AMERICAN in which property in the block was listed for sale. According to the bill of complaint, seventy-five per cent of the residents had signed an agreement not to sell to colored people.

The injunction was asked against Meyer Cohen, Howard and Gertrude Kraft, Morris Schoolnick, [illegible] and Israel Ruben. The block is situated between Druid Hill and Pennsylvania Avenue. It was formerly called Division street but since the widening of the street the section on the upper side of North avenue has been given the name of Woodbrook avenue.

Three exhibits were entered by the plaintiffs in application for the injunction. The second was a form of the agreement signed by the residents pledging themselves not to sell, lease, or rent any house in the block to Negroes or any person of African descent. The third is a section of the AFRO-AMERICAN containing the realty advertisement of Israel Ruben, 2463 Schultz avenue, in which the house at 2440 Woodbrook avenue is offered for sale.

Argument for the issuance of a permanent injunction will be heard in Circuit Court at an early date.

Baltimore Attorneys Comment On Supreme Court Decision

WARNER T. McGUINN: "Viewing the case as a lawyer, the decision of the Supreme Court in dismissing the appeal is amply supported by the authorities cited.

"To ascertain the appeal, the jurisdictional question became paramount and the Supreme Court answered this inquiry in the negative. This court has repeatedly held that the prohibition enjoined by the first section of the Fourteenth Amendment applies to state action by state agencies only.

"The segregation ordinances which Judge Rose struck down in the case of Dr. William T. Coleman, which I, as Dr. Coleman's attorney, attacked, were laws passed by a state agency, to wit, City between private individuals respecting the control and disposition of Baltimore; in the Curtis case the action was based upon a contract of their own property.

"Those who became parties to this agreement were bound by its terms. The court declined to consider the contract only to the extent to decide that it saised no federal question and therefore, left the court bereft of jurisdiction.

"Several clients have sought my advice about the marketability of titles affected by similar contracts and I have uniformly refused to pass such titles.

"These contracts, however, affect only property owners who are parties to them; those property owners who decline to sign them are not affected and they are free to dispose of their property in the open market."

J. STEWART DAVIS: " I think the Supreme Court straddled the whole question. Nothing is settled by it and the only thing decided is that in that particular case the court decided that it did not have jurisdiction. So far as the question of segregation on account of race or disbarment by agreement, the question is still as much open following as before this decision.

ROY S. BOND: "I have the greatest respect for any decision coming from the Supreme Court and have not been able to give this question the searching study I would like to make before making comment.

LEWIS S. FLAGG: "I am in complete agreement with the decision of the Supreme Court on the issue as presented to them. They could have not decided otherwise and adhered to the law as written. This, however, does not mean that the broader question of segregation on account of color or race is legal. The issue involved was a group agreement which as such did not conflict with the 14th Amendment which refers to state or state agent action.

W. C. McCARD: "I am kenely disappointed at the decision, but believe that it will in the end work out fo rthe good of the group. There will always be some one person in a block most block who will not sign the agreement and to this extent it will make the property unmerchantile and therefore cheaper.

U. GRANT TYLER: "There could have been no other decision under the law so far as this case was concerned, in my opinion. While this case cannot be considered a test of the whole question of residential segregation because of race, the case at issue involved the law of contract and agreement and in my opinion, as presented, did not involve the constitutional point.

ANTHUR BRISCOE: It is what I expected. I have said all along that any group of people had a right to burden any property they actually own with any covenant of property right. Such agreements are of course subject to the statute of limitation."

Other lawyers of the Baltimore Bar interviewed and who gave their opinion that the Supreme Court was justified by law in handing down this opinion were J. H. Hampton, P. L. Woodberry, Emory Cole and C. S. Frazier.

Residence Is Destroyed By Race Haters

BALTIMORE, Md., Aug. 26.—A vacant house at 1417 West Saratoga street, recently rented to a Negro family, was entered Saturday night or Sunday, the walls smeared with red paint, water pipes broken and first floor damaged by water, according to the owner, William Flack, 1400 West Lombard street.

Mr. Flack told the police of the Southwestern district that he had shown the premises to a prospective Negro tenant at 4 p. m. Saturday. He returned to the house early yesterday afternoon and found a cellar window smashed. On entering he discovered that wall paper on the first and second floors had been marked with paint and torn from the wall in some places. The bathtub had been pulled out of place. Mr. Flack estimated the damage at more than $60.

Moved in Monday

The Negro tenant, whose name Mr. Flack would not divulge, moved in Monday, despite the condition of the house. Capt. Harvey P. Morheiser, of the Southwestern district, has ordered patrolmen to watch the dwelling closely.

Segregation—1926

Maryland.

HOODLUMS BREAK WINDOWS AND DOOR OF WHITE PERSON LIVING NEXT DOOR TO TRUXTONS

The attempt of white hoodlums to intimidate Mr. and Mrs. Robert Truxton who have moved into 318 North Calhoun Street, a block in which they are the first colored families, has proved unsuccessful.

The Truxton family moved in on Monday of last week and were unmolested, other than being a target for names which were called them by white householders. On Tesday night, of last week, about 2 a. m., a car with three young white men on the running board, hurled missiles into the house of 320 Calhoun. It is evident that the windows broken were mistaken for the Truxton's home next door.

Baltimore Herald 8-4-26 Baltimore

Letter Signed Ku Klux

In the meanwhile a letter signed "Ku Klux Klan" was sent the Truxton family through the mail. The letter was turned over to the police department. Ku Klux Klan was also marked on houses across the street.

On Thursday night another automobile bearing three white men, their average age judged to be 21, made a second attempt to stone the Truxton home.

The second attempt, like the first, resulted in the windows of 320 being bricked again. Mrs. Vordemberge narrowly escaped seriuos injury as she had just left a chair beside the window.

When interveiwed by a Herald Commonwealth reporter, Mrs. Beulah Truxton, did nt appear the least nervous over the attempted attacks on their dwelling. Mrs. Truxton said that it was their intention to remain, and that the family did not propose to enter into any controversy with anyone over the home which they had a legal right to acquire, and to reside in.

Mr. Truxton, she said, had been employed by one of the city's leading furriers for the last twenty years, and had an irreproachable record with his employers and in the community. There are three children.

Police Give Protection

Mrs. Truxton seemed particularly grateful to Captain Harvey Moreheiser of the Southwestern District for the police protection given the house since the attempted assault

Willard Allen, realtor, was the agent for the property. It is understood that another family has moved into the block, and it is learned that negotiations are being completed that will find other houses occupied.

Segregation - 1926.

Massachusetts.

STOPS SEGREGATION

MAYOR QUINN ACTS AT REQUEST OF BOSTON BRANCH OF NATIONAL EQUAL RIGHTS LEAGUE —REV E. E. THOMPSON CONDUCTS AUDIENCE

On Monday Rev. E. E. Thompson, president of the Boston Branch of the National Equal Rights League conducted an audience in the office of Mayor Edward Quinn of Cambridge against color segregation in the Movie Theatre at Central Square, formerly Gordon's, now belonging to the Famous Players Corporation, Miss Yvonne Good and Miss Georgie Harrie were present as the League's witnesses. Rev. W. D. McClane and W. M. Trotter of the League's Executive committee assisted Pres. Thompson.

After hearing the protest the Mayor got the manager over the telephone. The latter pretended it happened only once. The witnesses denied this and Mayor Quinn asked the manager to come and meet the Committee. When he gave excuses the Mayor told him emphatically that there should be no segregation in Cambridge, or else there would be no theatre license, a positive stand for equal rights.

Segregation—1926

Michigan.

HOUSTON, TEXAS, SATURDAY, MAY 22, 1926

FUNDAMENTAL HUMAN RIGHT UPHELD!

In acquitting Henry Sweet, brother to Dr. Ossian H. Sweet, two of the eleven defendants in the celebrated "murder case" that has engrossed the attention of the American nation at Detroit, Michigan, the jury upheld one of the fundamental American and human rights, viz.: the right of every citizen to be secure in his person, property, etc., from attack, and re-establishing the fact that a man's home is his sacred castle.

This case originated in September of 1925, when one member of a white mob attacking the Sweet home in an erstwhile Nordic neighborhood, met death, it is alleged, from a bullet fired from the Sweet residence into the seething, surging, charging crowd of mobocrats and hellocrats.

During the 1925 joint trial of these eleven colored citizens including Mrs. Sweet, wife of the race doctor, the jury failed to agree on a verdict, and thus a re-trial was conducted, resulting in the agreement to try each defendant separately at the recent trial.

With this jury verdict freeing Henry Sweet from the charge of "conspiracy to commit murder," a sweeping victory was won, not only for the Sweet family and colored group, but for the entire American nation.

This cause was deeper than family connections or racial lines, for upon its final outcome rested the fate of the American people upon one of the fundamental and elemental rights guaranteed to all citizens of this republic under the terms and provisions of the constitution and its amendments, as well as the bills of rights of the several states.

With the eminent criminal lawyer, Clarence Darrow, as chief counsel for the defense and the able and masterly manner in which he conducted the cases, and the sorry showing made by the prosecution, it was generally conceded in advance that an acquittal would be the consequence, unless the jurors voted their prejudices instead of their sober and unbiased minds.

Much credit is due the National Association for the Advancement of Colored People, the many colored and white citizens who contributed to the national defense fund, as well as members of both races in Detroit and the array of legal talent associated with Mr. Darrow in the trials, for this sweeping victory, which demonstrates the fact that the Negro has some rights in America that even a white mob is bound to respect.

Comrades, let us not lose faith in the final triumph of right over wrong; for—

"Right is right, since God is God,
And right the day must win;
To doubt would be disloyalty,
To falter would be sin."

Kelly Miller Says

Detroit And Ann Harbor

Henry Ford, without making any Moral pretension. is unquestionably the greatest Negro benefactor of this generation.

He takes my life who takes the props whereby I live. He gives me life, not by giving me lectures or charity, but by giving me a chance to make a living.

Detroit, Auto Centre

After leaving Dayton, about which I spoke in my last release, my next stop was Detroit, the queen city of the Lakes. My lectures were staged for the Independent Church, over which Dr. Wilbur Johnson is the presiding genius. The subject of my discourse was "Manhood and the Inferiority Complex."

It is for the audience, and not the lecturer, to comment upon the reception and appreciation of the lecture. A friend of mine expressed surprise that I had been before the public for so many years as a lecturer and public speaker, and yet am so frequently called upon to speak at places where I have so often spoken before. My only explanation is that the public has a short memory.

Changed Relations

This reminds me to say that Detroit has been made anew, so far as the Negro is concerned since I first began to visit this automobile town some twelve years ago.

Detroit was one of the cities in the Northwest where the Civil War attitude of friendship and favor towards the Afro-American was most pronounced. There were only five thousand of us there at that time. They were mainly the old citizens who boasted of the exceptional privileges which they enjoyed as compared with other less friendly communities. Any suggestion that smacked of discrimination was fought to the bitter end. Just then the idea of a colored Y. M. C. A. was beginning to take local lodgment.

The old citizens who had themselves enjoyed every semblance of racial equality were bitterly opposed to the discriminatory innovation. They failed as it seemed to me, to grasp the true psychology of the Nordic mind. The tolerance accorded to a few is no real indication of its normal attitude. Race prejudice sustains a relation to provoking numbers.

Since those early days, Detroit has received a greater influx of Negro migrants than any other large city. There are now eighty-three thousand Negroes among the million and a half inhabitants. The racial spirit that once knew Detroit now knows it no more.

A colored Y. M. C. A., costing over a half million dollars, is the one central community house for the whole Negro population. No one can now be found who opposes this separate establishment, except a few die hards, who will shortly be gathered with their fathers in the course of nature. The lives of the two races are as separate in all social ways as one finds in Washington or Atlanta.

16,000 At Ford Plant

Detroit is perhaps the most interesting of our large cities to study from the standpoint of race sociology. The large mass of Negroes were drawn to this city for purely economic reasons. The automobile industry is the drawing card. Henry Ford is the good angel.

Mr. John C. Dancey, the secretary of the local branch of the Urban League, informed me that sixteen thousand Negroes are employed in the Ford plants of this city. Mr. Ford, in his industrial operations, makes no distinction on account of race, color or previous condition of occupation. He takes in the raw recruit and sets him to work at a uniform wage of six dollars a day. He makes it a point to give Negroes a square deal in proportion to his numbers.

Henry Ford, without making any moral pretension, is unquestionably the greatest Negro benefactor of this generation. He takes my life who takes the props whereby I live. He gives me life, not by giving me lectures or a little charity, but by giving me a man's chance to make a living.

$50,000,000 Per Year

The Negroes of Detroit have the best industrial chance of any group of Negroes in the world. It is estimated that they earn fifty million dollars a year. But herein lies a sad story to relate.

The Detroit Negroes perhaps make a poorer use of their munificent earnings than any other like number of our people working under favorable circumstances. The fault is not wholly theirs, and therefore the greater is the pity.

The Negro, so far, has only one means of saving, and that is in the purchase of a home. He does not understand any other more intricate form of investment. The measure of the economic progress of any Negro community can be appraised almost wholly in the matter of home ownership. There is little of their surplus earning devoted to business or the other forms of security. Dealing in paper is all but an unfamiliar process. Even insurance, which is rapidly gaining vogue is mainly for purposes of sick and death benefit rather than of regular and normal savings.

Homes Restricted

In Detroit a home is hard to secure The ordinary workman has little idea of purchasing a home. The area has been so restricted that only the fortunate few could reasonably hope to attain to it. As a result there has been general lavishness and waste of their hard earned wages. The few homes that were available were at such an extravagant cost that only the more fortunate or the better favored would dare assume the necessary risk and responsibility.

The crying need, not only in Detroit, but in all cities where similar restrictions prevail is an ample supply of available homes that fall within the reach of the average workman. It is for this reason that the colored people of Baltimore have made so much progress during the past twenty-five years. They have not received high wages, but have enjoyed good and advantageous home owning opportunities.

Segregation

This brings me to the question of segregation as I found it operating in Detroit. There is not one iota of difference between this city and other large centers where the Negro population is pressing hard upon the heels of white tenants.

Black encroachment is gradually pushing white occupants out of blocks and sections and are thus establishing larger and larger areas of solid Negro communities. The whites everywhere are disposed to move out of a block whenever two or three tenants move in. For the most part this process goes on quietly and without public notice.

The process operates in New York, Philadelphia, Baltimore, Washington, Cleveland, Detroit, Chicago and other centers with as much uniformity as if worked by the same formula.

Occasionally there is friction, but only of the nature of a border skirmish. The same form of friction breaks out everywhere. There is nothing exceptional in Detroit. It merely happened that in one of these border skirmishes a fatality occurred.

This is, I believe, the only instance in which Negro encroachment has actually led to bloodshed. Negroes thruout the nation became aroused. The Sweet case at once assumed national proportions. The old English motto that a man's home is his castle, was upheld by the local courts, although the white sentiment was all but one hundred per cent hostile to the provocative happening which led to its reaffirmation.

The Sweet Case

I saw Dr. Sweet and visited the scene of outbreak. There was nothing in the situation or circumstances that cannot be duplicated a hundred times in Detroit as well as in any other city where this encroachment is taking place. The offense must needs come, and Dr. Sweet happened to be the individual through whom it came.

I talked to many individuals as to the effect of the Sweet incident upon the general question of segregation. Some thought that it had intensified the feeling of a certain class of whites against the Negro: while others felt

that it left the general situation in status quo.

The question of racial segregation remains as before. The issue will continue to be waged in Detroit as elsewhere. There is only one thing of which we are certain, and that is, whatever else may happen, the Negro will continue to secure more and better homes. The whites will remove to the remoter suburban districts and subdivisions, leaving the abandoned inside residents to Negro tenancy.

There is no deviation from this tendency which operates effectively without any legal sanction. There is no contemplated legal enactments that can stop or even check it. The destiny of the two racial populations in our large cities is as plainly indicated as any movement can be. The Negro must invoke the law wherever racial rights are in jeopardy, altho he may not frustrate the foregone conclusion.

Ann Harbor

Before closing, I must mention my visit to Ann Arbor, the seat of the University of Michigan. I lectured in this little college town on Tuesday night. In the afternoon I was the guest of the Negro-Caucasian Club, composed of students of the white and colored races in equal numbers. The purpose of this interracial get together will be readily understood and appreciated by serious students of the race problem.

The meeting was held at the house of one of the university professors, who served as host. I very greatly enjoyed the meeting and was deeply impressed with its significance and meaning. The races come together at the bottom of the social scale; they meet again on the higher level of intellectual, moral and spiritual eminence. But there is wide divergence in the mid region where the bulk of both elements fall.

TUCSON, Ariz., Sept. 20.—"Dr. Sweet left here four weeks ago with body of baby. Mrs. Sweet and mother have been here all summer. Returned to Detroit last Monday very much improved in health."

What a world of pathos, an eon of suffering, an eternity of heart-break is hidden behind the bare, barren wall of mere words sent to The Pittsburgh Courier in telegraphic form, in answer to an inquiry relative to the welfare of the Detroit family.

Ostracised by the fear-crazed god of racial prejudice, their lives made pitiable tragic by the death of the one in whom the blood of both flowed, the wife, a Pittsburgh girl, facing a tedious end because of failing health, the direct result of exposure when she was driven from her home; and the husband embittered in mind and soul as he looks with impotent wrath upon the far-reaching effects of a white mob's vengeance—the Sweets are today walking through the vale of self-abnegation, which has been the fate of the sons of Ham since first hiseyes rested on these shores in the year, 1619 A. D.

The Cross of Sorrow

Dr. Sweet and his wife, if you will remember, were the principal characters in one of the most dramatic court trials in the history of the country. It was a trial of race against race, and when the fiery eloquence of Clarence Darrow, famed Chicago criminal barrister of Scopes' evolution fame, broke down the inborn prejudice of members of the jury, tearing from their eyes the superficial veil of Nordic supremacy, it appeared to be the beginning of a new day for us.

But, lurking behind the curtain of Time stood Fate, implacable, grim, unyielding. For the Sweets were carrying the "Cross of Sorrow." Their trials and tribulations had just begun. Imagine, if you can, the cares, the fears, the worries, the strain, of a loving mother and dutiful wife, toiling unceasingly and taxing the slender cord of strength to its breaking point, as she faced the gravest problem of her life with the stoicism of a Joan d' Arc.

Imagine her thoughts as she realized her husband in jail for protecting that piece of ground, such a tiny atom in the solid mass of ground which comprises Mother Earth—which he so proudly called home. Imagine the midnight paces of her unslippered feet, weakened through the birth of a child shortly before, as she vainly tried to untie the knot which the "two-time" laws of a country had flung around her mate.

Then came his temporary freedom on bail! Joy, with an under-current of sorrow, swept over her. They had once again been united.

"Baby" Dead, Wife Delicate

But, with them, the real work had just begun. A lawyer, the best in the country, must be used to batter down the barrier they faced. Backed by fraternal organizations, some of which used the case for pecuniary gain, the Sweets, husband and wife, toured the length and breadth of the country. The Negro race, stung to the quick, responded nobly. Darrow was hired. What he did is history.

The Sweets believed that their "cross of sorrow" had been lifted. But exposure had seriously undermined the health of Mrs. Sweet, and as a consequence, the baby suffered. A drier climate was ordered. To Arizona she went, accompanied by "baby" and mother. Then came the news, chanting a funeral dirge over the wires, that "baby" had died. It was another "cross of sorrow."

And thus it ends.

BOMB HOME OF ATTORNEY WHO DEFENDED SWEET

Detroit Lawyer Issues 'Defi' To Vandals Who Bomb Home To Scare Him

DETROIT, Mich., Dec. 8.—Mob spirit again rides rampant in this city as bomb is hurled at the newly acquired home of Attorney Julian Perry, 444 Malbrough avenue. The bomb (one of the stench variety) failed to explode. The following Day Attorney Perry received an anonymous letter which read "Nigger, the newspaper articles did not mean anything. The next one (supposedly referring to the bomb) will go off."

Henry Sweet

The kick of the 100 per cent Americans, who it is believed are responsible for the latest outrage, is that Attorney Perry has dared to buy and live in a "white neighborhood." This it is believed is bitterly resented as being the first "invasion" of citizens of color.

This incident recalls the bitterly fought case of Dr. Ossian H. Sweet, and his brother, Henry Sweet, for whom Attorney Perry appeared in court as aid to the eminent Clarence Darrow and his assistant, Thomas F. Chawke. It is pointed out though, that the bombing of the lawyer's home is not so much in the way of reprisal for his part in the trial as such, but rather because the vandals perpetrating the outrage believe that the attorney gathered from the acquittal of Henry Sweet that he would be upheld in any defense of his home—which is, of course, his constitutional guarantee.

Bomb Crashes Window

Friday night Attorney Perry and his family were awakened by the sound of crashing window glass. Hurriedly arising to investigate, they found that the two bombs had been hurled through the window, shattering the glass, but both had failed to explode.

Attorney Perry at once called the police and notified such public officials as had given him reason to believe that they would help protect citizens of color in a crisis. Police were promptly dispatched to the scene and prevented the large crowd of angry citizens from entering the home of Attorney Perry and possibly averted serious trouble.

Denies He Will Move

The daily press, the following morning, promptly carried the story of the bombing and declared that Attorney Perry had assured them that he would move from the neighborhood because he did not want his wife to live in a continual state of dread and fear.

Approached by representatives of weekly newspapers, however, the attorney indignantly denied that he had given out any such statement and further declared that he intended to reside on his newly acquired property.

Segregation - 1926

Michigan

1500 HAIL ATTACK ON SEGREGATION!

HAYS TERMS IT "A STREET OF HATE, A MAIN STREET OF DEATH."

Assails Detroit Mob Case—Praises Dr. Sweet for the Defense of His Home—The Physician Speaks at Great Mass Meeting

New York City.—A mixed audience of more than 1,500 appauded, Jan. 3, an attack on racial segregation in the residential areas of large American cities made by Atty. Arthur Garfield Hays, who, addressing the annual mass meeting of the N. A. A. C. P. at Mt. Olivet Baptist church, declared that "the logical outcome of seperation into small groups by race or religion would be a street of intolerance, a street of bigotry, a street of hate and a main street of death." Mr. Hays is associated with Atty. Clarence Darrow, Chicago, in the defense of Dr. Ossian H. Sweet, Mrs. Sweet and three other defendants charged with first degree murder in connection with the death of one of a mob which surrounded Dr. Sweet's home in Detroit last September. The jury recently disagreed in the Sweeet case and it may be re-tried early this year. Dr. and Mrs. Sweet sat on the platform while their defense counsel praised their courage in defending their home and deplored the spirit of intolerance which caused the incident. Dr. and Mrs. Sweet, who are at liberty on bail, received permission to leave the state to attend the meeting, from the Michigan court, at the request of the association. Their appearance on the platform brought prolonged applause

Supreme Court, is known as the Noxon vs. Herndon case, which has been argued through the Texas courts, the federal court in the Texas district, and finally on appeal carried to the U. S. Supreme Court. It involved a challenge of the constitutionality of the Texas "white primary" law which forbids our people to vote in Democratic primaries of the state. This case, Mr. Pickens said, would be used as the opening wedge to have repealed similar primary laws in other southern states.

At the offices of the association, 69 Fifth Ave., the annual business meeting was held, Jan. 4, at which reports for last year were read and its directors re-elected.

Reached and Passed Its Goal

Sunday the association had $37,475.73 in its Legal Defense Fund to which must be added the $5,000 contributed by the American Fund for Public Service (the Garland Fund), making a total of $42,475.73. The Garland Fund at its regular meeting on Jan. 6 voted not only to pay the $15,000 it had originally agreed to pay if the association should raise thirty thousand dollars, but an additional sum of $6,552.79. To the total is to be added an additional check for $1,000 from Julius Rosenwald, which he agreed to give on the raising of the second $24,000. The full accounting therefore is: Total contributions received to noon, Jan. 8, $37,475.73; original contribution from the American Fund, $5,000; additional contribution from the American Fund, $15,000; further additional contribution from the American Fund, $6,552.79; contribution from Mr. Rosenwald, $1,000. Total, $65,028.52. Amount raised by the Detroit branch for the Sweet case and disbursed locally, $6,137.64. Grand total, $71,166.16.

Sees Constitution Thwarted.

Discussing the Sweet case, Mr. Hays declared that it hinged about the issue of residential segregation in America. It was a fight, he asserted, "to preserve the fundamental spirit of the Constitution." Referring to the trial Mr. Hays said Afro-Americans who were called to the witness stand were "quiet, intelligent and direct." A ripple of applause greeted his statement that the prosecution, in seeking to prove that no one was in the neighborhood of the Sweet home when the riot occurred, called seventy witnesses to the stand, all of whom testified that they were present. Dr. Sweet, a young man, sat impassively as the attorney told of his efforts to defend his home and the subsequent arraignment of himself, his wife and nine friends on a charge of first degree murder.

"Nobody, white or black," asserted Mr. Hays, "deserves his home liberty unless he is ready to fight for it. Before the riot occurred at the Sweet home mobs had forced other colored people in Detroit to vacate their homes. The reason there was trouble in Detroit is that the other colored people lacked the courage to fight it out as Dr. Sweet did."

Miss Mary White Ovington, chairman of the board of directors of the association, presided. She announced that in 1925 the association had raised more than $100,000 with which to carry on its work. The response of Afro-Americans all over the country to the fight against racial intolerance and segregation, she said, has been an intelligent one. Last year was the biggest year in the association's history, she said, and more money had been raised to carry on its work than ever before.

Dr. Sweet Speaks Briefly.

Dr. Sweet spoke briefly, thanking the association for its interest in his case and for providing funds for the defense of himself and the other defendants. The outcome of the trial, he said, "will determine whether or not mobs shall tell colored people where or where not to live."

William Pickens, field secretary of the association, declared that segregation lay at the heart of America's race problem. He outlined the fight which the association would make against race segregation during 1926. Efforts along this line, he said, would be concentrated on three court cases, one the Sweet trial and two cases which were to be argued before the U. S. Supreme Court.

RACE ISSUE RAISED BY CLARENCE DARROW

Jury Completed After Five-Day Struggle.

(Special to The Pittsburgh Courier)

DETROIT, Mich., Apr. 29—Making a paramount issue of the race question, forcing talesmen to admit that they were prejudiced, forcing officers to hunt the streets to draft emergency jurors and then, with a suddenness which characterizes him as a criminal lawyer with hardly a peer, completing his jury at noon Saturday, Clarence Darrow completed the first step of his "trial against hate" last week in the case of Henry Sweet, brother of Dr. Ossian H. Sweet, charged with the murder of Leon Breiner in a racial disturbance last fall.

Battle Five Days

Final selection of the jury came after five and one-half days of tedious grueling, in which the sharp wit and satirical humor of the defense attorney riddled the cloak of semi-respectability and smugness which wrapped many of the prospective jurors. About 200 names were exhausted to find suitable 12 men.

Every day the court room was packed with spectators. Not only white and colored people were there, gave out the "information" which resulted in the first suspicion of the men.

The "Underlying Cause"

"These women are the underlying cause of all the trouble," the judge declared. He said he regretted there is no law under which they could be punished adequately, but said they could be tried for disorderly conduct.

A public trial would be punishment in itself, he declared. Indirect causes for these crimes and others by which the nation is being swept, given by Judge Laffoon, were the after effects of the war, the "mad rush for pleasure" by young persons and the fact that parents are not giving their offspring the proper training in the homes.

More than 1,000 persons were on the Court House square when three deputy sheriffs, left to escort the men before the court, but they were quickly dispersed by the soldiers, who established a line circling the Court House area, requiring all persons to show military passes before allowing them through the lines. A platoon of infantrymen guarded Hollis, Fleming and Bard on their marches to the Court House and back to jail.

No armed soldiers were allowed in the Court room and no one was allowed to enter the room without first obtaining permission from the Sheriff. Everyone entering the room was searched for concealed weapons. The trial started Tuesday morning.

Contrast To Ill. Case

The Kentucky debacle is a marked contrast to a decidedly similar case to be tried in Dekalb, Ill. on May 4, when [illegible] go on trial in connection with a heinous attack on a pretty co-ed. In this case, all the participants are white. "Jazz Age," the "trend of the times" and "the new social order" will be the defense, and it is confidently expected that their sentences will be lightened.

Case Reviewed

Arrests of the men and the subsequent "confession"—admittedly a result of the infamous third degree—resulted from an "error"—an "error" that in itself revealed a hitherto hidden chapter in Madisonville, where white women and race men kept company. This "error" occurred last Thursday, the day after the white girl was alleged to have been attacked.

At that time Sam Kitchen, white, a resident of Dozier Heights, went to his wife's pocketbook, so he says, to obtain some change. "By a "mistake," he picked up the pocketbook belonging to Mabel Bumpass, a boarder. The first thing he saw when he opened it was the photograph of Joe Blanton, a race man. He found also, a letter from Blanton to the woman.

The girl was later arrested and search of her former home revealed a packet of letters from Blanton. In them, he referred to 'dates' with her, mentioned Lucille Davenport, another white girl, and also mentioned his pal.

Hollis "Confesses"

Blanton admitted under questioning that the pal was Fleming. Fleming, however, gave the police no as-

sistance, being able to sidestep their efforts to incriminate him with ease. However, the Bumpass woman admitted she was on a "party" where Hollis had been accompanied by a white woman. This naturally led to the apprehension of Hollis. And Hollis, made of different timber than

Fleming, and beaten into submission, finally "confessed."

"Queer" Reasoning

A number of discrepancies have arisen. These men, admittedly the companions of white women, of course, had to attack other white girls to satisfy their lust. So reason the whites. The Bumpass woman and the Davenport girl have been "forced" to leave, for good. Their testimony, you understand, will not be needed at the trial. And because the colored men were intimate with the white women who "talked," naturally, in the absence of any more reliable information, they MUST be the ones guilty.

Jealousy is alleged to have played a leading role in the "confessions" of the Bumpass woman, and in any other state but Kentucky, a ten-weeks sensation might be created. But the "purity of the Nordics" must be preserved. Insanity will NOT be the plea of these colored men, and within a short length of time, they will follow Ed Harris to the "happy hunting ground" of other race men who were alleged to have violated the code. Kentucky the Statue of Liberty hangs her head in shame at your "consistency."

"In order to bring about the fairest and finest kind of justice, it is my judgment that the jury shall be confined until the completion of this trial.

May Visit Homes

"Members of the jury must not be offended, for the confinement will not be odious. When necessary the jurors will be allowed to go home under proper guard."

The jury will be allowed to communicate with friends or relatives by telephone.

Judge Murphy told jurors to read nothing of the trial during its progress. Newspapers with the accounts of the trial clipped out will be furnished them.

NOTED LAWYER JOINS AS AID TO DR. SWEET

New York, April 2.—Walter White, assistant secretary of the National Association for the Advancement of Colored People, who returned to this city from Detroit, where he has been making arrangements together with Clarence Darrow for the second trial of Dr. and Mrs. Ossian H. Sweet and nine others in the case arising out of the riotous attack on Dr. Sweet's home last September, reports that April 5 has been tentatively set as the opening date for the second trial.

Replace Hayes

Replacing Arthur Garfield Hayes, who is busy with other cases and will be unable to go to Detroit, Thomas W. Chawke, a prominent Detroit criminal attorney, reputed to be the greatest and most successful criminal attorney in Michigan, has been retained and will assist Mr. Darrow in the conduct of the case.

Contrary to the procedure adopted in the first trial, when all 11 defendants were tried together, the defense now plans to try each one of the defendants separately. Henry Sweet, brother of Dr. Sweet, is to be the first one of the defendants to face trial, according to Prosecutor Robert M. Toms, and in the event that Henry Sweet is acquitted, or the jury disagrees, it is probable that the cases against the other defendants will be dropped.

Besides Mr. Chawke, a local attorney of our Race, Julian W. Perry, will participate with Mr. Darrow in the defense.

DETROIT MICH FREE PRESS
MARCH 23, 1926

CHAWKE TO AID IN SWEET TRIAL

Darrow Discusses Plans, Hayes Will Probably Drop Out of Case.

Probability that Arthur Garfield Hayes, noted New York attorney, will not appear for the defense in the retrial of Dr. Ossian H. Sweet and 10 other Negroes, charged with the murder of Leon Breiner, in a race disturbance on Garland avenue last fall, was disclosed yesterday by Clarence Darrow, chief of defense counsel, who was in Detroit in connection with the case.

Mr. Darrow announced that Thomas W. Chawke, criminal attorney of Detroit, had been added to the staff of the defense counsel. Walter Nelson will also be retained.

Defense Plans Unchanged.

Accompanying Darrow to the city was Walter White, novelist, and head of the National Association for the Advancement of Colored People. Several conferences were held with attorneys and principals, following which it was stated that the defense would be predicated on the same theory as that of the former trial; namely, that the defendants were the victims of psychological mob fear when they fired into a crowd outside the Sweet residence.

Contrary to the procedure in the previous trial, which lasted several weeks and resulted in a disagreement, the defendants will be tried separately this time, according to Prosecuting Attorney Robert M. Toms. Henry Sweet, brother of the doctor, will be the principal in the first case.

Admitted Firing Into Crowd.

In the former trial, he admitted firing into a crowd of people, who were said to be stoning the house. It is the belief of the prosecutor that the evidence against him is stronger than that against any of the others, and in event of his acquittal or a disagreement, the other cases may be nolle prossed. The first trial is scheduled for April 5.

SWEET TRIAL IS POSTPONED UNTIL APR. 19

Delay Due To Judge's Illness. Henry Sweet's Case To Determine Outcome Of Nine Co-Defendants.

DETROIT, April 14—Henry Sweet, brother of Dr. Ossian H. Sweet, who is awaiting a second trial here with nine others, on a charge of having shot and killed Leon Breiner during a segregation fight at Charlevoix and Garland avenues last June, will face trial Monday, if Judge Frank Murphy is recovered from illness which prevented his hearing the case last Monday.

On the outcome of the case against Henry Sweet will depend the disposition of the charges against the other eight defendants. Breiner was killed by a bullet fired from the Sweet home, which was occupied over the protests of white neighbors.

Robert M. Toms prosecuting attorney, will conduct the case for the people. Defending Sweet will be Clarence Darrow, Thomas F. Chawke and Walter M. Nelson.

At a previous joint trial of the nine defendants the jury failed to agree on a verdict after a hearing lasting 17 days, and 72 hours deliberation in the jury room.

DARROW IN QUIZ FOR JURORS

By NETTIE GEORGE SPEEDY

Detroit, Mich., April 23.—"You, I presume, have heard of the organization called the Klan, haven't you?" was the first question asked by Clarence Darrow, counsel for the now famous Sweet case, as he was examining the veniremen.

Being answered in the affirmative, Mr. Darrow quickly followed with the question, "You, perchance, do not happen to belong to that organization, do you?" which shows that the defense will strive to select a jury entirely bereft of any affiliation with the Ku Klux Klan.

The second trial of the case opened before Judge Frank Murphy of the recorder's court Monday morning. As early as 9 o'clock the room was filled with spectators. The streets presented a scene of a half holiday. It was a cosmopolitan group which elbowed its way into the court room.

Mixed Group Present

Representatives from the Negro-Caucasian club from the university at Ann Arbor, Mich., attended in a body. It was a mixed group and the club has its motto, "Social Equality."

Aside from the racial interest in the case, the popularity of Judge Murphy acts as a magnet upon the populace. Comments were freely voiced of his fair and impartial rulings in the former trial, and the consensus of opinion is that the defendants have their interests best guarded because they are protected by such a learned and unbiased jurist.

Upon the opening of court Mr. Darrow moved for a separate trial for each of the 11 defendants, and this being granted, he announced that Henry Sweet would be the first of the defendants to be tried.

Henry Sweet is charged with murder. He was in the home of his brother, Dr. Ossian H. Sweet, at Charlevoix and Garland Aves. on the evening of Sept. 8 last when a mob gathered in front of the house with the alleged avowed purpose of driving the doctor from his home and the neighborhood.

It is the contention of the state that shots fired from a gun held in the hands of Henry Sweet killed Leon C. Briener, a member of the mob gathered in front of the Sweet home.

Henry, who is just 21 years old, is the youngest brother of Dr. Sweet. He was in his senior year at Wilberforce and was expecting to leave the next day for school when the tragedy occurred in front of his brother's home.

Dr. Sweet had purchased a home in a neighborhood peopled by whites. When he moved in a crowd gathered outside as darkness fell and pelted the place with stones. Flashes of fire were seen to come from the windows after this assault and Briener, mortally wounded, fell to the ground. The house was supposed to be under police protection at the time.

Several Indicted

Henry Sweet, his brother, Drs. O. H. and Otis Sweet; his sister-in-law, Mrs. Gladys B. Sweet; John M. Latting, Leonard C. Morse, Hewett Watson, Charles B. Washington, Norris Murray, Joseph Mack and William E. Davis, who were all in the Sweet home at the time, were placed under arrest. They were indicted and charged with conspiracy to commit murder.

Mr. Darrow is being assisted in the defense by Thomas Chawke and Julian Perry, local attorneys of enviable reputation. Prosecutor Robert Toms is being helped by his first assistant, Lester Moll.

The selection of a jury has occasioned many happenings, some humorous, others pathetic. It was noticeable that after the first 12 men had been drawn into the box, when the question was asked, "Have any of you men formed an opinion about this case?" five hands were raised simultaneously. Five men were immediately discharged.

Mr. Toms asked a prospective juryman if he had heard of any of the lawyers who were defending the other case. Sounds of laughter were heard as the man replied, "Yes, I heard Chicago was defending 'em before." B. F. Miner declared that he had formed an opinion regarding the case, and he wanted to know if the one he thought was guilty was the one on trial. He was excused.

The jury disagreed at the first trial, when all of the defendants were tried together, charged with murder. The jury was deadlocked for forty hours, standing seven to five for acquittal for each of the defendants.

Segregation- 1926.

Michigan.

'IGNORANCE, INTOLERANCE, PREJUDICE AND BIGOTRY CAUSE OF TROUBLE IN DETROIT,' SAYS A. G. HAYES

Dr. and Mrs. Sweet, Principals in Murder Case, Cheered by Vast Audience in Mt. Olivet Baptist Church

By WARREN BROWN

"Ignorance, intolerance, prejudice and bigotry was the cause of the trouble in Detroit," Arthur Garfield Hayes told his listeners at the annual public meeting of the National Association for the Advancement of Colored People Sunday afternoon in Mt. Olivet Baptist Church located at 120th street and Lenox avenue. Mr. Hayes, with Clarence Darrow, is an attorney for the defense of Dr. and Mrs. Ossian H. Sweet and nine other defendants charged with murder in Detroit because they defended the doctor's home from a mob attack, in which a white man was killed.

The huge structure was packed to the doors Dr. and Mrs. Sweet; Miss Mary White Ovington, chairman of the Board of Directors of the N. A. A. C. P.; William Pickens, field secretary of the Association; James Weldon Johnson, executive secretary, and invited guests took their seats on the rostrum promptly at 3 o'clock.

A tremendous ovation was given to Dr. and Mrs. Sweet when they were asked to stand so that the audience could see them. Mrs. Sweet laughed heartily with the audience as the speakers related humorous incidents that occurred during the tragic episode in which she is involved. She wore a smartly made blue silk dress and a brown hat turned down over her eyes.

Isadore Martin, president of the Philadelphia branch of the N. A. A. C. P., introduced Miss Ovington, who conducted the meeting. Mr. Martin told how the birth of the organization came about as a result of an investigation made by Miss Ovington. He characterized her as the most modist, retiring, efficient and sympathetic woman that has ever been affiliated with the Association.

When Miss White introduced Mr. Pickens she said that he would take the floor. He did. With dry humor and wit, he entertained the audience while he made a plea for financial aid to the defense fund which the Association is raising.

Dr. Sweet explained that he had been advised by his legal counselors not say anything that directly concerned the case. In considering the results of the case, the physician expressed a hope that the Negro would not become too radical or remain too complaisant.

MR. HAYES' SPEECH.

"In thinking of the Sweet case, I don't think of your people and my people," Mr. Hayes began. "It is matter that concerns humanity. No one deserves a home unless he is ready to fight for it. No one deserves liberty unless he is ready to fight for it."

One of the most dramatic stories ever told on the witness stand was given by Dr. Sweet. He told of the sufferings of the Negro race. He told of the Washington, East St. Louis, Ill., and Chicago race riots. Going from his native home in Florida to Wilberforce University and later to Europe where he studied, the physician told the story of his life.

Mr. Hayes then quoted this part of the brilliant and colorful testimony of the physician when he replied to a question as to what was the state of his mind on the night that his home was attacked by a mob of whites.

READS TESTIMONY.

"When I opened the door, I saw the mob and I realized that I was facing the same mob that had hounded my people throughout its entire history. I was filled with a fear that only one could experience who knows the history and sufferings of my race."

Mr. Hayes often caused the audience to break out into a hearty laughter by telling of the discrepancy in the testimony of witnesses for the prosecution.

If the philosophy of Officer Johnson, who said that Dr. Sweet should have used common courtesy and stayed out of the neighborhood where he was not wanted. was taken to a logical conclusion the main street of a town would be a street of death, Mr. Hayes de-

SWEET FUND RAISED

$50,000.00 MARK RAISED TO CONTEST THE EXTREME DEVELOPMENT OF THE JIM-CROW PRINCIPLE, DENIAL OF RIGHT TO LIVE IN WHITE NEIGHBORHOOD—MOST GIVEN BY COLORED WHO THUS SHOW AGGRESSIVENESS.

New York Dec. 28 1925.—The campaign to raise $50,000 for the defense of 11 negroes involved in the Detroit mob trouble last September, ended today, when James Weldon Johnson, secretary of the National Association for the Advancement of Colored People, announced that the goal had been reached.

Funds not used in the Detroit case will be used in fighting residential segregation affecting negroes and will be devoted to watching the rights of negroes in cases pending in the United States Supreme Court, Johnson said. He did not specify what those cases are.

HAPPY NEW YEAR

DR. SWEET SPEAKS IN CHURCH.

Tells 3,000 of Growing Prejudice Against His Race in Detroit.

Dr. Ossian H. Sweet, of Detroit, who with ten other negroes faces trial for murder and is defended by Clarence Darrow of Chicago, addressed an audience of 3,000 yesterday afternoon at Mount Olivet Baptist Church, 120th Street and Lexington Avenue. He told of growing prejudice in Detroit against negroes and the difficulty of finding a decent home and which caused him to settle his family in the so-called "white district."

"Shortly after I moved into the neighborhood I was threatened by the white," he said. "It was then a crowd surrounding my home attempted to force entrance that a gun was fired and one of the crowd killed. It was for this death that Dr. Sweet and his companions are on trial.

Arthur Garfield Hayes, associated with Arthur Harfield Hayes, associated with Mr. Darrow in the case, also spoke. Addresses will be delivered in many cities to raise funds to aid the defense.

COLOR CLAUSE IN PROPERTY SALE INVALID

Supreme Court of Michigan Declares Restrictions Against Selling Property To Other Than Whites Illegal.

OPINION DOES NOT TOUCH OCCUPANCY

Lansing, Mich.—The Michigan Supreme Court has handed down an important and far-reaching opinion that will be viewed with interest by Negroes throughout the country, it being to the effect that restrictions made against the sale of property to Negroes on account of color were invalid.

This decision, is particularly important in view of the widespread activities to exclude Negroes from certain residential districts, by inserting clauses in conveyances forbidding the sale of the property to any kind of Caucasian race. By this decision on the part of the Supreme Court, all such contracts are void in the State of Michigan.

Does Not Touch Occupancy

While this opinion is favorable to the colored citizens of Michigan and the country, it pointed out that the decision does not touch upon the occupancy of premises on which restrictions have been placed which has been the bone of contention in the many cases throughout the country.

The suit in question was brought by Porter and Wyman, Muskegon real estate dealers, against Wilbratt and Auxilie Barrett, white, and Wilson Robinson, a Negro who purchased the property involved. Porter and Wyman had sold the lot to a Louis Parent, white, who in turn sold it to the Barretts. The contracts in both cases specified that the property should not be sold to Negroes upon penalty of the lots and all improvements reverting to the real estate concern. Upon the sale of the property to Robinson, Porter and Wyman immediately brought suit in the Circuit Court on the appeal of the plaintiffs.

Justice Fellows' Comment

Justice Fellows, in writing his opinion, says: "We must bear in mind that we are not dealing with a restraint on the use of premises. Such restraints, unless unreasonable, have quite uniformly been upheld. Before the sale of intoxicating liquor was prohibited this court and practically every court of last resort in the Union upheld restraints of the use of premises for its manufacture or sale. Such a restraint upon the USE was uniformly upheld; but would a restraint on SALE of premises to one who was engaged in the sale of intoxicating liquors elsewhere be valid? I think not."

MICHIGAN DEPARTMENT OF LABOR AND INDUSTRY

Division of Negro Welfare and Statistics.

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SAYS NOTHING DOING ON JIM CROW SALES

Bans Deeds "For Resale to Whites Only"

In one of its last judicial actions for the year 1925, the supreme court of the state of Michigan handed down a decision last week, making it impossible for any property owner in the entire state to use Jim Crow methods in the sale of property. Any contracts that include provisions to the effect that subsequent sales of the property involved shall be to white persons only will be held void by the courts of Michigan, according to this supreme court opinion.

For several years property owners in all sections of the state have been endeavoring to carry out segregation measures that would build up exclusively "white neighborhoods." Real estate concerns have gone so far as to lay out these "restricted districts" and attempt to reserve them permanently for white buyers by including in the contracts of their sale provisions that the buyers could resell only to white persons.

No one of these provisions will be honored by any court in the state, it has now been ruled. "All restrictions made against the sale of property to any persons on account of color will be invalid," reads the opinion of the highest tribunal in the state of Michigan.

SUE TO GET PROPERTY BACK

The suit was brought by two white real estate dealers of Muskegon, Mich., Porter and Wyman. They sued Wilbratt and Auxilie Barrett, both white, for selling a parcel of property to Wilson Robinson in violation of a restrictive provision.

The transaction started in this way: Porter and Wyman sold a lot to Louis Parent (white) under a condition written into the contract of sale that the lot should never be resold to anyone but a white buyer. if this provision were violated, the contract read, the property would automatically revert to the real estate company which originally owned it.

Parent sold the lot to Wilbratt and Auxilie Barrett, also white, with the same provision against reselling to any but white persons in the new contract. But the Barretts disregarded the provision and resold the lot to Wilson Robinson.

TWO COURTS FIND FOR DEFENDANTS

Immediately the real estate men, Porter and Wyman, brought suit, naming as defendants Robinson and the Barretts. They sued for the property, stating in their suit that the contract called for its reversion to their hands in case the restrictive provision were broken. Had they won their suit, and had the court upheld the validity of that restrictive provision, they would have taken a long step in the direction of legalizing segregated residence districts. It would have been possible thereafter for the white property owners to tie up their property in white hands for generation after generation.

The circuit court, however, upheld the defendants in their transaction. An appeal was entered and the case came before the supreme court of the state of Michigan for final decision. In a lengthy review of the factors involved in restrictions on sales, the court sustained the decision of the lower court, and ruled that the contested provisions could not be upheld in any court of law in the state of Michigan.

Justice Fellows, in writing his decision, said: "We must bear in mind that we are not dealing with a restraint on the use of premises. Such restraints, unless unreasonable, have quite uniformly been upheld. Before the sale of intoxicating liquor was prohibited this court and practically every court of last resort in the Union upheld restraints of the use of premises for its manufacture or sale. Such a restraint upon the use was uniformly upheld; but would a restraint on sale of premises to one who was engaged in the sale of intoxicating liquors elsewhere be valid? I think not."

JACKSONVILLE, FLA. Times
JAN 6 1926

THE NEW NEGRO PROBLEM

Until comparatively recent time the black man was only a Southern problem; now he is a Northern problem as well. As a writer in the Outlook puts it, "the picture of race relations in Detroit"—which he discusses—is "a picture entirely typical of a score of other Northern cities affected by the recent negro migration." Fifteen years ago there were only 5,000 negroes in Detroit; now there are 80,000, "crammed for the most part" in the three wards of one section of the city, which the 5,000 had occupied. The serious trouble began when negroes of some means purchased homes outside of the "segregated" district, for "in almost every case mob violence resulted and the negroes were forced to return to their former homes." In the case of Dr. Turner, a negro physician, "the mob surged into the house, tore out the furnishings, and in the presence of a policeman, forced the doctor to sign a conveyance of his property,—nobody being "prosecuted for the riot."

The house of another negro physician, Dr. Sweet, in a white neighborhood was beseiged by an abusive and stone throwing mob. Finally a volley of shots was fired from the house and Leon Brenier, standing on the steps of a near by home, fell dead. Then Dr. Sweet, and 10 other negroes in his house, including his wife, were arrested and charged with murder. On November 27 the Detroit jury reported its inability to reach a verdict in this case and was discharged. The accused negroes were defended by Clarence Darrow and his associate in the famous Scopes case, Arthur Garfield Hayes. Darrow in a five-hour closing address pointed out to the jury "how deep, how subtle, how difficult to overcome, is the white man's prejudice against the negro, and yet how necessary for the sake of fair play that they seek to cast it out for the course of the trial at least." Referring to the Sweet case as "another illustration of the difficul race problem which, almost overnight, the North has had thrust upon it," the Outlook's article concludes:

> "No matter what may be the result of a new trial, the problem of this case will remain unsolved and rise to trouble us time and again. White feeling against black neighbors will turn kindly workaday Christian people into mobs of ruthless fiends, and negroes will continue to move out of congested districts and to arm themselves, well knowing that a tragedy may be precipitated. An inter-racial commission of high-grade men was appointed by the Mayor after this tragedy, but it is unlikely that it will be more successful in solving the problem for Detroit than the Chicago commission has been for Chicago, where racial violence continues to be a common occurrence."

THE SWEET CASE NO TEST CASE

Dr. and Mrs. O. Haven Sweet are visiting large cities in company with Arthur Garfield Hayes, associate attorney in the Sweet murder case, under the auspices of the National Association for the Advancement of Colored People. There is but one justification of this and that is to make it a sweet case—collect funds; for what? That is the question.

The appeal for money under the representation the issue of residential segregation in America. It is a fight, he avers, "to preserve the fundamental spirit of the Constitution." Though we might admit that the case "hinges" on the issue of residential segregation, the fact is that Dr. Sweet and his associates are being tried for "murder." As The Tribune has repeatedly affirmed, the question in this particular case is not, Has a Negro a right to live in a so-called restricted white neighborhood? but, Has a man—color not considered—a right to protect his home?

The appeal for money under the presentation that the winning of the Sweet case will be a blow to segregation should be stopped. The National Association for the Advancement of Colored People should recall the story of the little boy who blew his horn and "fooled" the woodmen. Such action will lead to a "street of intolerance," a street of distrust, and a "main street" of defeat

Segregation – 1926

Michigan.

MAN'S HOME IS CASTLE; SWEET WINS VERDICT

Women Cry As Detroit's Celebrated Murder And Segregation Case Ends

DELIBERATION LASTS 4 HOURS

Other 11 Men Accused May Never Be Brought To Trial

DETROIT—Henry Sweet has been acquitted after four hours' deliberation by a jury in the second trial arising out of the death of a white man during a riotous demonstration in front of the house of Dr. Ossian H. Sweet last September 9th.

James Weldon Johnson, secretary of the National Association for the Advancement of Colored People who attended the trial, telegraphs that women sobbed in the courtroom and tears ran down the cheeks of men when the verdict was announced.

Darrow

Chief Attorney Clarence Darrow's plea was "the most powerful and moving plea I ever listened to" telegraphs Mr. Johnson, and Attorney Thomas W. Chawke's (white) "masterful knowledge of the Michigan Criminal Law was invaluable." Of the lawyer who assisted in this second trial, Julian W. Perry, Mr. Johnson telegraphs he was "of real service in this case."

Telegraph

Mr. Johnson also telegraphs as follows:

"When it was announced that the jury had reached a verdict after only four hours' of deliberation, there was surprise and apprehension. When the verdict of Not guilty was rendered waiting women sobbed audibly and tears ran down the cheeks of men. It is more than probable that no other cases will be tried. This ends one of the most vital fights ever waged for the race."

First Trial

The first trial of the Sweet case resulted in a jury disagreement. In this second trial it was arranged to have each one of the eleven defendants tried separately. Henry Sweet was selected by the prosecution to stand trial first as the case against him was thought to be strongest. In view of his acquittal, it is unlikely the State will try any of the other defendants.

High Point

The Sweet case has been the dramatic high point of the fight against segregation in America. It is one in a series of cases beginning with the Louisville case, won before the U. S. Supreme Court in 1917, outlawing all State and municipal segregation ordinances. Another case in the series was taken by the N. A. A. C. P. before the U. S. Supreme Court this year when the Washington Segregation Case (Corrigan and Curtis vs. Buckley) was argued by Messrs. Louis Marshall and Moorfield Storey, urging that segregation by agreement among white property owners was unconstitutional.

Home a Castle

The Sweet Case establishes the Negro's right to defend his family and home from riotous mobs having segregation as their objective. The N. A. A. C. P. brought its entire power to bear on this case, spending upwards of $21,000 on the first trial, retaining the ablest criminal lawyer in the country, Clarence Darrow of Chicago, and associating with him Arthur Garfield Hayes, of New York. In the second trial rough estimates indicate that the cost will be at least $16,000, bringing the total of the two trials very nearly to $40,000. In the second trial Michigan's ablest criminal lawyer, Thomas W. Chawke and a colored attorney, Julian W. Perry, were associated with Mr. Darrow.

$71,619 Fund

In the course of the legal battle the N. A. A. C. P. undertook to raise a Legal Defense Fund to cover this and the other segregation and legal defense cases, raising up to March 12, the sum of $71,619, contributions pouring in not only from every part of the United States but from Europe and the West Indies as well.

Self-Defense

Both trials have profoundly affected public opinion on segregation in America. The first trial in its presentation of the Negro's suffering from mob violence throughout the country swung decent sentiment in favor of the defendants. The right of self defense in his home has been conclusively established for the Negro.

Eloquent Giants Fought For Hours In Sweet Case

DETROIT, MICH.—Eloquent giants battled for hours in the Sweet case here last week.

For the defense was Clarence Darrow, Chicago's most noted criminal lawyer and Thomas Chawke, leader of the local bar.

"Why men," he declared, "if the situation had been reversed—had 11 white men tried to protect themselves against a black mob—there would have been no prosecution. They would have been given medals. This testimony shows that there was a great throng around the house. This throng put the defendants in great bodily fear, and it seemed necessary for them to act as they did."

In his argument, Lester S. Moll, chief assistant prosecuting attorney, said he "held a brief" for Breiner, the white man killed. Darrow declared that if this were so he ought to throw it in the stove.

"Breiner was there," he said, "to destroy these blacks in their homes"

In his instructions to the jury the judge warned against race prejudice keeping the jurymen from making a proper verdict in the case.

Motions made by the defense for a mistrial due to many untrue and lying statements by the prosecutor in the case were denied.

Chawke Brilliant

Thomas Chawke, lawyer, defending Henry Sweet, in a most eloquent and able plea, attacked race hatred and showed the right of Henry Sweet and 10 co-defendants to defend themselves from a mob bent on lynching them.

With the opening of court five motions were presented by the defense, among which were:

That all testimony except the proof of death be stricken from the records because the state failed to prove that a conspiracy had been entered into by Sweet and others to kill Breiner and that no proof had been shown that Sweet fired the shot that killed him.

That the court direct a verdict of not guilty.

That the jury be instructed not to consider charges of first degree murder, second degree murder, or manslaughter.

State Evades Race Issue

Lester Moll, assistant prosecuting attorney, opened the arguments for the state and attempted to convince the jury that the main issue in the Sweet case was not the race question, but rather one based on the technical guilt or innocence of Henry Sweet, according to his indictment for homicide.

He said: "It is the contention of the state that Henry Sweet either fired the shot that killed Breiner or aided and abetted the one who did fire the shot. Much has been said of a man's rights, but I wish to say that any man's most sacred right is the right to live."

Moll sought to create a sentimental reaction to the death of Leon Breiner and thus railroad the young Negro to jail.

Raps Race Hatreds

The argument of Moll and of the state was torn to shreds by Thomas Chawke, who opened the battle for the defense. Chawke painted a word picture that held the entire courtroom in complete silence. He pointed out the prejudice of race against race, the right of a man to defend his home, the constitutional right of every man, regardless of his color, and the right of Dr. Sweet and his 11 co-defendants to the only fair verdict that could come from the jury—"not guilty!"

In answering the charge of the state that this case did not involve the race issue, Chawke said that he knew, the jury knew, the state knew, and everybody knew full well that if conditions had been reversed, if 11 white men were on the inside of the attacked premises, had defended themselves as the Sweets and their friends had done, there would be no trial.

Witnesses Commit Perjury

Chawke brought to light testimony which showed how the police and the witnesses who had testified for the state were influenced by narrow prejudices and economic interests and had committed perjury.

Chawke showed how three of the defense witnesses, who were white men and having nothing to gain from the guilt or innocence of the Sweets, gave testimony to prove that there was a mob threatening the life and property of Dr. Sweet and justified the mental state which led them to shoot in self-defense.

Police Blamed for Murder

He brought to light the inconsistency, the conflicts, the contradictions of witnesses and intimated the gross negligence of the police who were present in the execution of their duty towards the Sweets. He even stated that this negligence was responsible for the shooting.

He said: "I believe that the officers of the law were in sympathy that night with the crowd and that is demonstrated by the evidence in the case."

Flays Falsehoods

Chawke said that he had practiced in courts for fourteen years and "never before had I seen so much falsehood in any case as in this case." Then turning to the jury, he declared: "When these witnesses said that they didn't know who spoke at the Waterworks Improvement Association; that they dinn't know if there were people on the school grounds; that they didn't know why they joined the Waterworks Improvement Association; that only 50 people were present, or that they didn't see any crowd there; that no stones were thrown —they were not speaking the truth."

Right of Self-Defense

He asked the jury if they expected the Sweets to wait until the mob had swept upon them and killed them before they acted in self-defense.

Both Races Benefit From "Sweet" Trial Says Darrow

DETROIT, (FNS).—Both races will benefit from the "Sweet" trial according to Clarence Darrow, Sweet's chief counsel, in a statement after his great victory.

"Both Negroes and whites have to learn the lesson of forbearance," Darrow stated. "Personally, I feel that the sentiment against the Negro is one of prejudice, growing out of the Negro's recent rise from slavery. But prejudices have to be reckoned with as much as facts.

"And the whites cannot be held responsible for their prejudices for all of us are products of environment. None of us is responisble for our old prejudices. The Negro must remember that it takes a long time to overcome habits and prejudices. His progress is bound to be slow, but I feel that it will be sure. It will come by mutual understandings and consideration rather than by legislation. I believe that the outcome of this case will be a benefit to the white and the black man alike.

Excusable Homicide Explained

In his charge Judge Murphy emphasized the point that excusable homicide arose only from circumstances that gave the appearance of imminent actual danger. According to Judge Murphy's charge a man had no right to resist assault with violence if he could safely retreat. On this point, however, he added, "a man is not obliged to retreat if he is assaulted in his own dwelling."

Prior to making his charge, Judge Murphy denied a motion of defense counsel to declare a mistrial because of statements made by Prosecutor Robert Toms in his closing arguments to the jury. The defense claimed that Toms had made an indirect reference to the fact that Sweet had not taken the stand in his own defense. This, the defense contended was prejudicial. Judge Murphy based his denial upon the grounds that he could find no element in Toms' remarks that could be construed as prejudicial to the defendant.

$10,000 Appropriated For Negro Survey Of Detroit, Is Sequel To Sweet Trial

DETROIT, Mich., July 8.—Ten thousand dollars has been appropriated through Mayor John W. Smith and the Detroit Community Fund for an intensive survey of the Negro population of Detroit for the purpose of developing a program for bettering relations between the white and colored races in Detroit, which have become somewhat strained as the result of the Sweet case. The survey was begun this week under the auspices of Mayor Smith's Interracial Commission, of which Reinhold Niebuhr is chairman.

Forrester B. Washington, of the Armstrong Association of Philadelphia, and Professor Robert T. Lansdale, of the sociology department of the University of Michigan, are directors of the survey. These two men are assisted by a staff of five assistant directors, who are experts in the fields which the study will cover. Three of these assistants are instructors at the University of Michigan, one is an instructor at the University of Wisconsin and the other two men have obtained degrees in the social sciences at Ohio State University and the University of Michigan.

The survey directors have the cooperation of the more important public and private social agencies in ascertaining the facts and have access to much data already gathered by various city departments.

The fact finding portion of the survey is being made in co-operation with the Detroit Bureau of Governmental Research. Professor Lansdale and Mr. Washington will make a fact report without recommendations through the Bureau to the Commission.

The Color Line in Detroit

Judge Carr, of Lansing, Michigan, sitting in the circuit court in Detroit, has upheld the contention of the Nordic blond kluxers who sell real estate in that city and ruled that a Negro may not live in his own property if the other residents object.

The decision is couched in elaborate legal phraseology, but this is what it means.

In practice it amounts to classing Negro residents with criminal elements and puts them outside a legal code which considers all questions, except this one, from the general standpoint of property.

In this case the law makes a distinction between the rights of property owners who are white and those who happen to be black.

The decision opens the way for a drive against Negroes in Detroit, thousands of whom are employed in the automobile plants of that city, and to all intents and purposes legalizes segregation based on color.

The Detroit labor movement cannot afford to let such a decision stand because it means the increase of racial conflicts promoted by the bosses and their hangers-on and a further division of the labor movement itself on racial lines.

Upon the white workers and their organizations is the greater responsibility for guaranteeing to the Negroes the same privileges that they have won and convincing the masses of Negro workers that in this and similar cases the opinions of the boss class are not held by the workers.

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A MASTERFUL DEFENSE PLEA MARKS END OF SWEET TRIAL

Darrow Makes A Dramatic Plea In A Supreme Effort To Gain Freedom Of Henry Sweet

PURELY A CASE OF HATE SAYS DEFENSE COUNSEL

Prosecuting Attorney Moll Presents State's Side Of The Case In His Final Argument

(Special To The Argus) --

DETROIT, Mich., May 13—Clarence Darrow, defense attorney who with his chief assistant, Thomas F. Chawke, is presenting the case of Henry Sweet and ten other colored citizens charged with slaying Leon Breiner, white, in race disturbance on Garland avenue last fall delivered his closing argument in the case Tuesday. Robert M. Toms prosecuting attorney, who with his assistant, Lester S. Moll is presenting the State's case, began his final argument Wednesday. At the conclusion of Toms' argument Judge Frank Murphy is to charge the jury and immediately excuse them for deliberation.

Gray hair and stooped, Darrow, veteran of many court battles, in his final argument Tuesday made one of the most dramatic pleas of his legal career, summoning eloquence, sophistry, subtlery and logic to sway the jury to an acquittal for his clients. His argument throughout was bolstered by an air of true conviction and earnest sincerity.

Step by step, he traced the Negro up through the eons of his evolution, traced him in his whilom habitat along the Zambezi river traced him through the Gethsemane of slavery, pictured him as the victim of mob slaughter, burning at the stake, and finally emerging into the hope of a new day.

Faces Issue Squarely

"Lester Moll said," he began, "that this case isn't a race question but a murder case. I insist there is nothing but prejudice in this case. If the circumstances were reversed and there had been 11 white men in that house, assaulted by a mob of black men, no one would have dreamed of indicting them. They would have been given medals instead. I haven't any doubt but that every one of you jurymen are prejudiced against colored men.

"We are all prejudiced. It is trained in us from our youth. That's why we feel superior to people with black faces.

"To say there is no prejudice in this case is sheer nonsense. Who are we anyway? We are born into this world with a brain of putty, with no knowledge of color, no antipathy for black men, but as soon as we are born, the people around us begin planting prejudice in our minds. You, gentlemen, bring that feeling into the jury box. You cant get away from it.

"Take hatred out of this case and you have nothing left. I don't need to talk to you men about the facts. Any man with any intelligence knows what they are."

Bent on Harm

"What were these people in that crowd that night for?" he asked. "They came there early to take their places at the ringside. That mob was out to make an assault upon the occupants of the Sweet home and to disregard the constitution of the country and the laws of the state. Like blind Sampson in the temple, they came to tear down a structure that protects us all — to say prejudice and hate will rule us all.

"Was Moll right when he said this was a neighborly crowd? A neighborly crowd! A man who meets you on the street and puts a bullet through your heart is as neighborly as those rioters and conspirators. They were neighborly in the same sense as a nest of rattle snakes is neighborly. Where did he get that fool word, anyway? Those people knew what, they were there for. They were neighborly in the same sense an undertaker is neighborly when he comes to carry out a corpse, but they got the wrong corpse.

"Think of sending people to the penitentiary for wishing to defend their homes. Are we human, or civilized?"

Says Witnesses Lied

"You know the witnesses brought here by the state did not tell the truth," he demanded. They have lied and lied and lied to send this defendant to the penitentiary for life. Which is wiser, to violate the law as these made crusaders against black persons did, or lie about it after it is done? They are trying to send the defendant and others who were in the house to the penitentiary so they can't come back; and they are trying to get you men of the jury to help do the job. That's a pretty dirty job to turn over to a jury."

Whites, Not Negroes Cowards

In an effort to refute the assistant prosecutor's statement that Sweet was a coward he said:

"Who are the cowards in this case. These black people didn't come to America because they wanted to. They were brought here in slave ships. They have been victims of riots in every state in the union. They have been compelled to stand aside. There was only one place where they had an equal show and that was on the battlefield. Every where else they have been food for flames, riots, guns, ropes and hate, while the white man who boasts of his civilization, has been regardless of the normal sensibilities of normal human beings.

"The people in that home might have had guns and might have fired, but they were not cowards. With the history of the race behind them, with the knowledge of the crime, injury and insult without end behind them, they went into that house to fight for your rights and mine. The cowardly curs were the people who gathered around that house, who by hate and assault were trying to drive them out.

"Negroes have been called a great many things down through the ages, but there have been those who believe a black man should have some rights in the country to which he was forced to come.

"Common Human Source"

"All a man can do in life is to slightly lift the veil and see into the past. I feel that back of all of us and each of us is all the blood of all the world. Coursing through the veins of all of us is all that has come out of the infinite past. Back of that is the carnivorous tiger — all the elements that have gone to make you and me and all of us.

"I wonder who we are to be so proud of an ancestor? Why brag about our ancestors of which none of us know anything. If I can do anything to make the world better I would try to make man more tolerant."

During the afternoon session, Darrow reviewed the testimony of defense witnesses, holding that it not only justified the shooting but made it necessary. Then he switched back into the question of intolerance and sketched the history of the Negro race.

"Mob Cruel"

"There is nothing as dangerous as bigotry when it is on legs," he said. "The first instinct man has is to save his life."

"I can understand the passion of a mob—no reason, no heart, no soul no pity, cruel as the grave.

"I don't believe in the law of hate. I believe in the law of love. And I would like to see the day when man will forget color and creed and learn to love his fellow men. The law made men equal but men haven't made them equal. There is a long road ahead for the Negro before he can take the place he deserves. I would advise patience and tolerance and understanding and all those things that are necessary to live. I ask you on behalf of this defendant, on behalf of those helpless ones who turn to you, on behalf of the state and this great city—I ask you in the name of progress and understanding to render a verdict of not guilty."

Darrow's face was white and tense with exhaustion when at a few minutes to 5 o'clock he finished his plea and sat down.

Prosecuting Attorney Robert M. Toms will give the concluding argument for the state Wednesday, after which Judge Murphy will deliver the charge to the jury.

DETROIT NEGRO IS ACQUITTED BY JURY

First Decision in Trial Growing Out of Race Trouble Results in Black Victory

DETROIT, May 13.—(AP)—Henry Sweet, negro, was acquitted of a charge of murder by a jury here late today, in connection with the slaying of Leon E. Briener, during a race disturbance here last September. Briener was shot by volleys which police said were fired from the house of Ossian H. Sweet, negro doctor.

The house, which was located in a section occupied exclusively by white persons, had been purchased by the negro doctor. Police were on guard at the place because fear of race trouble, when the shooting occurred.

Ossian Sweet, his wife, his brother, Henry, and eight other negroes, and a quantity of arms and ammunition were taken from the house after the shooting. Ossian was tried first, the hearing resulting in a mistrial when the jury disagreed. Henry was put on trial about two weeks ago on a charge of complicity in the shooting. The jury deliberated four hours before reaching a verdict.

Clarence Darrow, Chicago criminal lawyer, acted as chief of defense counsel in both trials.

The prosecution charged that the death of Briener was caused by volleys of shots fired by the negroes without cause.

The defense contended the police were not able to cope with the situation and that the shooting from the Sweet house was in self defense. Much of the testimony revolved around the number of white persons in the vicinity of the house at the time of the trouble, the prosecution contending there were only a few persons in the block, while defense witnesses asserted there was a mob of several hundred around the house. Briener was across the street from the house, in a neighbor's yard, when he was shot.

Robert M. Toms, prosecuting attorney, announced that he had not decided whether the other ten negroes would be brought to trial on the same charges on which Sweet was acquitted.

DARROW WINS POINT

IN SWEET CASE IN DETROIT—SHOWS WHITES ADVISED VIOLENCE

Detroit, Mich., May 7, 1926:—Defense attorneys scored what they believe is a victory of importance in the Sweet murder trial Saturday when they drew from a prosecution witness the statement that force was advocated at a meeting of the Water Works Park Improvement Association as a means of removing Negroes from the Garland Avenue district.

The testimony was not brought out in the previous trial although Clarence Darrow, defense cousel, had insisted that the Water Works Improvement Association, a Garland Avenue community organization, was formed for the purpose of keeping Negroes out and ejecting those who had already moved in.

JURY ACQUITS BROTHER OF DR. SWEET

State May Drop Case Against 10 Other Defendants Since Strongest Evidence Has Failed To Convict.

CHARGE TO THE JURY ABSOLUTELY IMPARTIAL

Henry Sweet Freed

One of Defendants In Detroit Race Riot Acquitted

N. A. A. C. P. Due The Credit

The National Association for the Advancement of Colored People again proves its worth to the race. The following dispatch urges to secure 10,000 members for Louisville. Th wording is not to our liking but the point is Henry Sweet is freed. That is a victory.

Detroit, May 13.—Henry Sweet, Negro, was acquitted of a charge of murder by a jury here late today in connection with the slaying of Leon E. Breiner during a race disturbance here last September. Breiner was shot by volleys which police said were fired from the house of Ossian H. Sweet, Negro doctor.

The house, which was located in a section occupied exclusively by white persons, hod been purchased by the Negro doctor. Police were on guard at the place because of fear of race trouble, when the shooting occurred.

Ossian Sweet, his wife, his brother, Henry and eigh tother Negroes, and a quantity of arms and ammunition were taken from the house after the shooting. Ossian was tried first, the hearing resulting in a mistrial when the jur ydisagreed. Henry was put on trial about two weeks ago on a charge of complicity in the shooting. Clarence Darrow, Chicago criminal lawyer, acted as chief of defense counsel in both trials.

Detroit, Mich., May 16—After more than three hours deliberation a jury in Judge Frank Murphy's court here acquitted Henry Sweet, younger brother of Dr. Ossian H. Sweet, of the charge in connection with the death of Leon Breiner who was fatally shot in a disturbance in front of the doctor's home last September.

Whether the acquittal will mean the dropping of the cases against the 10 other defendants arrested following the shooting is a matter Prosecutor Robert M. Toms said he had not decided.

The jury spent three hours and 35 minutes in actual deliberation. It was looked up at 1:35 p. m., At 3:30 p. m., it sent out a note asking whether a crowd in front of the house would necessarily give the defendant the right to shoot. The judge ignored the note's request for a reply. At 5:10 one of the jurymen rapped at the door and announced that an agreement had been reached.

Spectators Cautioned

Whites and blacks filled the courtroom as the jury filed in. Before the report was read by the foreman, Judge Murphy cautioned spectators against making any demonstration.

"Do not let passion interfere with your acceptance of this verdict, whatever it may be," he warned. "Accept it courageously and with a good will." A murmur ran through the courtroom as the verdict was delivered, but there was no further display of emotion. In his charge to the jury he declared: "It is my duty to warn you that prejudice or intolerance or passion should not enter into your deliberations upon the facts, else reason would depart and the calm consideration necessary for a just verdict would be lacking. Rich or poor, white or black, each man brought before the bench or jury is entitled to equal consideration and justice."

The Judge complimented the various attorneys for their conduct during the trial, declaring it "reflected honor upon the city."

Clarence Darrow and Thomas F. Chawke, defense attorneys were congratulated by many of the spectators.

List of Jurymen

The jurors were: Charles Thorne, sailor on the Great Lakes for 50 years; William B. Brunswick, locomotive engineer; Edward B. Bernie, pharmacist; John M. Allan, machinist; James S. Spencer, electrician; Charles Phillips electrician; Charles L. Dann manager of a chain grocery; Ralph Fuelling, soldier in the World War and peace times and laborer; George C. Small, district manager for the Detroit and Cleveland Navigation Company; Richard Adams, retired; Louis J. Sutton seminary employee and William John Sampson, electrician.

Story of Shooting

Dr. Ossian Sweet, brother of Henry, had just moved into the Garland avenue house at the time of Breiner's death. In the house were 11 persons and quantities of shotguns, revolvers and ammunition, while outside were a group of white persons, variously described as a handful of persons and as a mob.

Breiner, according to testimony was sitting on the porch of a dwelling across the street, smoking his pipe and chatting with a neighbor when slain by shots fired from an upper window of the Sweet house. Other shots from the same source wounded Erick Hoberg.

Police, who had been assigned to guard the home against a possible outbreak, arrested the 11 at the time.

At the first trial of Henry Sweet and 10 co-defendants all attempts were made by the ku klux klan and other "pure white" organizations to bring about a verdict of guilty and send the Negroes either to the gallows or to life terms in prison. The attempt of the prosecutor at the first trial failed. The jury after being out a number of hours were unable to agre eand were discharged.

Separate Trials Demanded

The defense then insisted on separate trials for the defendants. This motion was granted. Henry Sweet against whom the state claimed to have the strongest case and most evidence as the first called for trial.

During the choosing of the jury Clarence Darrow and Thomas Chawke, exercised the greatest care in weeding out members of the Water Works Improvement Association. After the jury was impanelled a bitter fight began between the lawyers representing the Sweets and the state.

The lawyers for the state attempted to play on the racial prejudice and emotions of the jury. Witnesses for the state gave testimony which was conflicting and which was declared by Darrow and Chawke to be "perjured testimony." Chawke declared that in his long experience in the law courts of the country he had never heard so many lies from the witness stand as there were in this trial.

Sweet Is Freed

HENRY SWEET is free. He was acquitted by a white jury in Detroit last Thursday after a trial which took several weeks. He was tried for defending his right to live where he wanted to. His brother, Dr. Ossian Sweet, and ten others were in their new home when a mob of white hoodlums attacked the place with stones and bricks and other missles. Somebody inside the house fired into the mob, killing one mob member, Leon Breiner. The eleven occupants of the house were all indicted and tried for murder. The first trial resulted in a hung jury. The second trial resulted in a jury's deciding that a black man has some rights which a white man is bound to respect, and that one of those rights is the privilege to protect his home when he is lawfully and peacefully residing anywhere he is able to purchase property.

The battle won in Detroit is in no sense local. It is the scotching of a snake which is coiled and ready to strike in nearly every section. Within the last twelve months echoes of residential segregation have been heard from coast to coast and from Massachusetts to Florida. Negroes ought to be commended for having recognized that an injury to one is an injury to all. All sections freely and quickly laid nearly one hundred thousand dollars upon the altar of their protection when they contributed that money to the Sweet fund raised by the N. A. A. C. P. The Sweet trial also shows that we are not alone in our fight for justice. If we will fight for ourselves, there are stalwart and courageous white souls who will help us fight. The American Fund for Public Service contributed $20,000 to the Sweet defense. That fine old doughty warrior, Clarence Darrow- battle-scarred and steeled by many a conflict, made one of the hardest fights and most dramatic pleas of his long legal career to free Henry Sweet. When the prosecution contended that this case wasn't a race question, but a murder case, Darrow retorted, "I insist there is nothing but prejudice in this case. If the circumstances were reversed, and there had been eleven white men in that house, assaulted by a mob of black men, no one would have dreamed of indicting them. They would have been given medals instead. I haven't any doubt but that every one of you jurymen is prejudiced against colored men.

"We are all prejudiced. It is trained in us from our youth. That's why we feel superior to people with black faces.

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"To say there is no prejudice in this case is sheer nonsense. Take hatred out of this case and you have nothing left. I don't need to talk to you men about the facts. Any man with any intelligence knows what they are."

In the preceding strain, painstakingly summing up the evidence, and interpreting it as he went, Darrow argued for seven hours.

And here is another lesson for colored people. Innocence is not a sufficient shield. Right does not necessarily make might. Might is frequently needed to establish the right. Without the effective organization of the Sweet defense, the raising of large sums of money and the employment of the most capable lawyers, the chances are that Sweet would have been convicted. Yet another lesson; it is not sufficient any longer merely to employ some one known to be an able man and a good lawyer. One must use lawyers whose hearts are in their work. How could Hoke Smith thoroughly defend Negroes in a discrimination case? His insincerity would crop out at every turn. He would be apologetic. He would be squirming, cringing, crouching, shrinking from the logical and manly argument. That's why when intolerance and race prejudice are at issue we must command such celebrated scholars and lawyers as Clarence Darrow, Seymour Stedman, Moorfield Storey, Louis Marshall, Arthur Garfield Hayes, Dudley Field Malone, Morris Hillquit and Frank P. Walsh.

Hereafter white men will be more law-abiding in Detroit. They know that Negroes will fight for their rights—that they will die for those rights. Moreover, Negroes have learned that it is a good lesson to teach a mob that they are willing to make somebody else die for trying to rob them of their rights. From now on Michigan hoodlums will advance tardily and feel less secure in their lawless efforts to oust colored people from districts which their ingenuity, industry and thrift have enabled them to reside in. Unless white men can win in the race of life they will have to let the deserving colored man pass. In the Sweet case the mob decided, "Negroes shall not pass." It learned, however, that that little band of Negroes, determined and unfaltering, would convert the street into a "Pass of Thermopylae" before it would surrender its manhood right.

We genuinely hope for an era of peace and tolerance. As Darrow said in his closing, "I believe in the laws of love. And I would like to see the day when man will forget color and creed and learn to love his fellowmen. I would advise patience and tolerance and understanding and all those things that are necessary to live." That's what we believe in and that's what we can have if the large group of us, who lead and mold and shape public opinion, would try to be simply human, tolerant, kindly and fraternal, regardless of those accidents of birth which create superficial but not material differences.

SWEET'S ACQUITTAL

THE acquittal of Henry Sweet, by a Detroit Michigan jury, May 13th, who was charged with the killing of Leon E. Breiner in Detroit last September, during what the Associated Press calls "a race disturbance," was a triumphant victory not only for himself and his group, but for the National Association for the Advancement of Colored People as well.

It will be remembered that this trouble grew out of the unAmerican and undemocrtic disposition of Dr. Sweet's neighbors who objected to his purchase and occupation of a residence among them. They wanted the doctor to move; he did not move; they threatened, they bull-dozed and finally, according to the reports they attacked his castle—his home. In the melee that followed, Breiner was killed. Sweet and several members of his family were arrested and cast into prison. The first trial was miscarried. The second resulted in his acquittal, and the assertion of the right of an American citizen to purchase property wherever he is able and live in it if he chooses.

DETROIT "RIGHTS" ITSELF

That ancient doctrine of Law which declares that "a man's home is his castle," has been upheld by a Detroit jury, and Henry Sweet, brother of Dr. Ossian H. Sweet, who, with eleven Negroes in all, has just been tried for murder, was acquitted, the prosecutor announcing that he had not decided whether or not the remaining defendants will be brought to trial.

The principal facts in the case are simple. A race physician, having established his home in a community over the objections of white "supremists" was beseiged by a mob, bent upon "cleaning" the neighborhood of Race residents. In due course, after countless outrages, persecutions, and malignant offenses, the good doctor, in defense of his "castle," took ordinary and reasonable precautions to protect himself and his family, from mob violence; and, somehow or other, in the climax of a race disturbance, a white man was killed by some one. Whether the deceased was a member of the mob, or an innocent bystander was not clearly shown; but he was the victim of the indirect results of mob rule; and, of course, some one had to be indicted for being the contributing cause of his demise.

Without regard to the sordid details of the Sweet case, it is consoling to know that in the good State of Michigan, twelve men and true, could be found who resolved to uphold the theory that a man's home is his castle; that the defense of same is merely self defense; and that the charge for life snuffed out during the upholding of such traditions cannot be paced against the defenders.

The Sweet case is notable on account of those particulars, and because of the fact that colored America, itself hanging in the balance, regarded the Sweet case, as their case, gave of their mite in the defense, and can justly gloat over the outcome, which should be a lesson to prospective mobbists the country over.

As to the defendant principals, just people everywhere, white and black, will rejoice in their victory; for the same menace could beset any man in the protection of home and loved ones. The fortitude which the physician displayed; the fealty of his relatives and friends; and the cool judgment by them displayed under soul-trying conditions are examples for every man in America; for the mob must be curbed; peaceful law-abiding citizens
ed of a real Liberty, and that
their families' lives will ever be
ything less than this gives the
f democracy, so prevalant in this

—P. N. S.)

VICTORY FOR THE SWEETS

A detroit trial jury has returned a not guilty verdict as concerns the case of Henry Sweet, young colored man of that city, charged with the killing of a white man last year. The jury which was composed of white men entirely, evidently tossed aside any prejudices on account of race they might have had and rendered a decision according to the evidence offered before them, resultant in an apparent victory for Henry Sweet and his brother, Dr. Ossian Sweet, the latter being the principal in the unfortunate affair.

We refer to the result of the trial being an apparent victory for the Sweets, for it was one of the deplorable affairs, extremely unfortunate, in which the person charged with the killing is the less fortunate, regardless as to his acquittal or conviction.

The defendants and their witnesses contended that the white man who was killed was in the midst of a mob attempting to storm the home which was purchased by Doctor Sweet in a white neighborhood and the whites there were registering objection on account of the racial affiliation of the Sweet family. If such was the case it was also an unfortunate condition and one that hardly behooves a group of citizens in a land surrounded by modern religious and educational institutions. It is greatly to be regretted that such an attitude actually does prevail in far too many of our sections, and such is not confined wholly to the southland.

However, we say now as we have outlined before, it was as much an act of indiscretion on the part of the Detroit colored physician that he should have decided to force himself on a community the neighbors of which objected to his residing there as was the attitude exhibited by the neighbors. Detroit is not one of those cities whose officials turn a deaf ear to the contentions of its colored citizens for street improvements, sewer connections and the like. Therefore, it would have been possible for Doctor Sweet to have used the tremendous amount of money which he used in purchasing the home in the neighborhood where the neighbors would prove hostile, in selecting some site and establishing a group of homes to be owned by those of his friends and associates, in the same circle, and thereby avoid a situation that he will greatly regret the balance of his life.

Not for one moment would the writer advance the idea that men should not be allowed to live wherever they may choose and to travel in whatever countries they may desire so long as they abide by the laws of the land. Any objection to such which might be based on race or color is unfair and wrong, but the contention is, nothing should be done in any person's career that would needlessly plunge that person or his associates in trouble.

It is our hope that the trial of Sweet which ended in Detroit last week will mark the finish of the entire group of cases and they will cease to occupy front page space on any publications. The quicker such unfortunate occurances are forgotten, the better for the entire country.

DARROW SCORES POINT IN SWEET MURDER TRIAL

Force Against Colored Residents Urged By Speaker at Meeting, Witness Testifies.

DETROIT, Mich., May 7.—Defense attorneys scored what they believe is a victory of importance in the Sweet murder trial Saturday, when they drew from a prosecution witness the statement that force was advocated at a meeting of the Water Works Park Improvement Association as a means of removing Negroes from the Garland Avenue district.

The testimony was not brought out in the previous trial, although Clarence Darrow, defense counsel, had insisted that the Water Works Improvement Association, a Garland Avenue community organization, was formed for the purpose of keeping Negroes out and ejecting those who had already moved in

The case centers around the shooting of Leon Breiner on the night of September 9th, during a disturbance in front of the newly-purchased home of Dr. Ossian M. Sweet, located at the corner of Garland and Charlevoix Avenues. There were eleven friends in the Sweet house at the time, and several shots were fired. One man was killed and another shot through the knee. Henry Sweet, brother of Dr. Sweet, is the defendant in the present trial.

The statement that force was advocated "to keep Negroes out" was made by Alfred H. Andrews, 3033 Garland Avenue, while he was being cross-examined by Darrow. He said that there were 600 people at the meeting of the improvement association, and that an official of the Tireman Avenue Improvement Association addressed the assemblage, urging violence against Negroes who moved into the community. Andrews declared that the Tireman official told about how residences of his community had driven out a Negro family.

Brought Out By Darrow

"Did he say anything about the Turner incident?" asked Darrow.

"He said they didn't want colored people in their community and proposed to keep them out."

"Did he say that the association had made them leave their home?"

"Yes, he did," the witness responded.

"And did you feel that way, too?" Darrow asked.

Prosecuting Attorney Robert M. Toms leaped to his feet and grabbed Darrow by the arm. "Wait a minute!" he shouted.

Saw Few Near Sweet Home

Mrs. Florence M. Ware, 2578 Garland Avenue, admitted being near the Sweet home in company with two neighbors when the shooting occurred. She said there were comparatively few people on the street. Under cross-examination by Darrow she said she belonged to the improvement association.

"Why did you join?" the attorney asked.

"To protect my property."

"Do you mean from colored people?"

"For the betterment of the community," she answered.

"Do you mean from colored people?" Darrow reiterated his question.

Admitted She Did

Toms objected on the ground that the witness had answered.

"She wants to avoid answering," Darrow shot back.

The objection was overruled by the court and the witness admitted that she meant colored people.

She estimated that there were fifty people at the meeting of the improvement association.

"Did you talk to anyone there" Darrow asked.

"No."

"Can you tell one single word that was spoken at that meeting?"

"No, sir, I can't."

Other witnesses testified that there was no crowd and no disturbance.

A crowd of several hundred people had assembled in the corridor outside the court room before the doors were opened and many had to be turned away.

The prosecution has twenty more witnesses to summon and will probably complete its case by Wednesday. The defense has twenty-two witnesses to call.

Segregation - 1926

Michigan.

Argument Of Attorney Clarence Darrow

In the First Trial of Dr. Sweet

Gentlemen, let me ask you to be honest with us and be honest in this case, and that is all I ask.

Suppose one of you had a home with a little family, and outside was a menacing crowd of black people that wanted to drive you out, as you know they wanted to drive these people out. Would you have waited as long as they did? No, you would not, gentlemen. You have not been taught to wait. You have been taught to act.

These were members of a race which for centuries has been taught to trust and to submit and to forego and never defend itself.

You would not have done it, not one member of this jury would have done it. You would have fought your way out, no matter what the consequences might have been, and you would not have called for a policeman to help you in your rights. You would have said you were a free born citizen and you would help yourself.

And yet they call this illegal means, illegal? If a man threatens my life or my home, is it illegal to be my own policeman and my own judge and my own executioner and defend myself?

Shame on any such doctrine! No nation of free men can be built up of people who will not defend themselves and defend their rights.

Patrick Henry was right when he said, "Eternal vigilance is the price of liberty." The man who does not strive for it and work for it and fight for it will be a slave, and that is all there is to that.

I need call no policeman. If I am right, if another man is the aggressor, I can stand up and defend myself with such implements as nature gave me and with such other tools as I can procure for myself.

The other doctrine is the doctrine of slavery which cannot be defended in any free country.

Now let us go further with this thing that happened. Gentlemen, there is not one of you who does not know perfectly well that that crowd could have been dispersed immediately. There is not one of you who has not got the word of every policeman who has testified that he never raised his hand and never asked a single question of any man in that crowd. Is there?

There is not one of you who does not know that the policemen said they did not individually know any of them.

They knew they were there, they knew why they were there, and they took no steps to protect the property of the persons of the men and women in that house.

Now there can be no question about that. Are they to blame? And when this terrible act occurred, and they were in danger, then they came together to defend themselves and testify for themselves.

Now how many were there? Let us see about that. There are no two witnesses called by the state who tell the same story, except most of them start in by saying a few and when they are cross examined they admit more and more.

Andrew said there were about 75 men lined along the street north of the store or north of Charlevoix on the east side.

Dove said there were about 15 in front of his house—They said there were none,—You might get me that Dove testimony. Addressing Mr. Nelson)—in front of his home and on his porch, and he was not present, none of them were.

The crowd stretched down to St. Clair street. Let me see about St. Clair street now, and their wonderful discovery that we had a witness that made any mistakes.

I have heard a great many witnesses in court in my time. I never listened to a witness who impressed me as knowing more what he was talking about and being more open and frank in his answers than Smith. Every question asked by the state he answered that quick. Did he answer all of them correctly? Probably not.

You are intellgent men. You would have hard work to relate the events that occured three months ago and not make a mistake, especially if it involved riding in a machine and what street you were on.

We called him for two purposes. First, to show that before this shooting, the crowd reached back to St. Clair a block, and second, to show that they were hostile to the blacks. I did not need to show you the one, but that is what we called him for.

Now we proved that they were assaulted and proved that, that assault was before the shooting. I called the Smiths, three of them. Now gentlemen, you heard their stories. I submit there is not the slightest reason on earth for any of you to doubt that an assault took place just exactly as they said.

Did it have all the appearances of honesty? I will brace it up with you in a few minutes, but just take it alone. Every question was answered and it was answered direct, and they were there, they were in the crowd, they were mobbed by a mob who hollered, "Kill them, shoot them," and they threw stones into their machine.

How is it disputed? Why, because they said, one of them, that they saw a clock on a bank in the roof that they said was on—what is the name of that street?

MR. TOMS: Kercheval.

MR. DARROW: Kercheval, yes, if I live here much longer, I will know all your strange streets. I know Charlevoix and Garland now.

They said it was Kercheval, and then they sent the sleuth out here, and he could not find a clock on Kercheval.

Well, that does not necessarily prove they were not there. If they sent Schuknecht to look for a cathedral he could not have found it if it was in the middle of a street. But there was not any clock on Kercheval, and we sent Smith back, and he found his clock all right on the bank, one street over, on Charlevoix. Now what of it, gentlemen?

MR. TOMS: What?

MR. DARROW: Or is it two streets? Oh, I don't care where it was, east or west. He was out on Charlevoix instead of Kercheval. Suppose it was three, four or five blocks. It was near enough. The time had been all right. We did not need the time anyway, because there is plenty of other witnesses to prove it. What is important in this case is to know whether it was before or after the shooting.

I don't care to waste time on this. I suppose some of you have machines, at least Fords, and drive around some. Whether you made a mistake three months ago, whether you went on one street or another, is perfectly common, and you might not know, especially as I have found in Detroit, you might not know. This is a very liberal city.

Well, he found the clock and he found the bank and there it is.

Now what of it? Why, they say he must be a liar, because he never says he got down town at half past nine, and he looked at a clock in a hotel about 9:30, and he stuck to the story. I could not pry him loose, he could not pry him loose. I could not try him loose, although I tried harder to pry him loose than you did, but I could not do it. He just stuck to it, like your gasoline man that you could not pry off the street corner where he thought he was when he was not.

This thing happens to all of us. I got one witness in this case—it is not this one—that I would trade for one of your poor ones.

MR. TOMS: Even?

MR. DARROW: You, I would rather take one of yours than two.

Now this thing happened. Of course, Smith got twisted on the clock or time. He may have seen it when he got there, he may have seen it an hour after he got there, or he may not have seen it at all. You know how those things are.

Let me give you a little instance. There was one man called by the state who seemed especially— well, attractive, I will say. It is very rarely that I remember names where there are so many come at once, even if it is a lady.

MR. TOMS: Even if she is attractive.

MR. DARROW: But that was Mrs. Dove, and I do remember she was a kind of symphony in brown I remember. I notice the clothes: whether the hair is bobbed, I used to, I don't know, I take it for granted.

She said she did up the dishes. I do not doubt she is telling the truth, and that she was. She did up the dishes and got out on the porch at half past seven, and she sat there 15 minutes and then heard the shooting.

Well, now, of course, that is not true. It does not mean she lied about it. She got it twisted.

What else did she say? She sat right there on the porch where she could reach Breiner, but she did not see him at all; in the early part of the evening she did not know he was killed or shot.

Those things happen. Put all of you on the stand and something like that would be bound to happen. It does not mean necessarily that they lied. Do you think those fellows were there?

Let me call your attention to something else, and you will then see whether they were there or not.

I called them, as I say, for two purposes. One was to show that the crowd stopped over—my friend here does not understand that word, but I know some of you fellows will — on St. Clair street, in order to show their enmity to the colored people.

I called on the witness stand Mr. and Mrs. Spaulding. They passed by there about the same time. I fancy you remember Mrs. Spaulding. Mrs. Spaulding is a white woman with colored blood in her, some.

You know I could talk to you a long time about this question of black and white. It is funny. If you can trace out a drop of colored blood, why, you are colored.

Oh, you don't have to be logical If we had to, we could not live, because we could not, but she is white There is not so much to it anyway but still they think so. They may have to let it go that way.

She is white. She has every appearance of being white, and pretty much of her blood is white.

There is a queer thing about this business. This noble race that I belong to says that if there is a single drop of colored blood in you, you are not Nordic.

But if now and then you find a Negro who has written some wonderful story, or who has excelled on the stage, who has made a name for himself, or accomplished great achievements, and there have been many of them and getting more every day, then this same man, white men will say, "Is he a full blooded Negro"?

"No, he has got an eighth white blood."

"Well, that is how he came to be smart."

Why, I have known people with white blood that were plumb idiots; the more they had of it, the more idiotic they were.

There is nothing in it. What are you going to do about it? People think so, it is true.

I never in my life discussed with one of these fanatics and pointed them to some great man like Toussaint L'Ouverture, one of the greatest statesmen the world ever saw, of Pashkin, the great Russian poet, Booker Washington, or my friend, Mr. White, who is the peer of any man in this court room, who testified in this witness stand, or Jack Johnson, I may have him too— I never spoke about one of those to one of these white fans that does not immediately say, "Hasn't he got some white blood in him?"

If he has, of course he would be smart. One quart of white blood in him would settle it forever, and all of his intelligence is due to that white blood.

Well we cannot get over it, I suppose. If the world ever got over its prejudice—I have been talking about it for forty years, — we would have been cured long ago if it were possible, but here it is, the same thing again.

MR. TOMS: Then you would not have anything to talk about, if it got over it.

MR. DARROW: No, nothing to talk about. I would have died from boredom.

Now to get back to Mrs. Spaulding. I hope you people can visualize, of course, I meant to pass her off as a white woman, but I meant to tell you afterwards, just as I wanted to pass off my friend Walter White as a white man and then tell you no, he is not a real thing, he has a drop of colored blood in him. I guess that is where he gets his genius, I don't know.

But anyway Mrs. Spaulding is a social worker, a woman of intelligence, cultured, a music teacher, a beautiful woman. I call her husband as attractive as she is.

Now do you remember Spaulding. He is one of the finest looking fellows I ever saw in my life. He is as good looking as Mr. Toms or me. He has got the most regular features. He is a little dark for some tastes. Of course, he is not as dark as mahogany. We all like mahogany for furniture but not for people. We are not used to mahogany people, we are just used to mahogany furniture, some of us. Beautiful regular features, keen intelligence.

Let me just refer to that man for a minute to show what comes of this course of prejudice.

There was not a man on this witness stand that made a better impression than he did. I hope you can pick him out. He had a good education in the east and west to Ann Arbor and took a course in the engineering department, and then came to Detroit and worked as a letter carrier, gentlemen, just a letter carrier. If he had been white, he might have been one of the greatest engineers that this country ever produced, but his face is black, and he carried letters from door to door, delivering mail to white people who could not compare with him in looks and intelligence and plain and evident character.

You have seen people in this court room, you have seen them at this trial, you have met them in your life, have every reason to respect them, to love them, to appreciate them, except that maybe one of their ancestors going back and back to where perhaps they had ten thousand ancestors, and one of them was black or partly black, and he has to be a hewer of wood and drawer of water and all of his generation, to the end of time to be cursed that way by those who think their blood is pure.

Of course, the marvel of it is that there is not any such thing as pure blood.

How far can you go back in yours how far can I go back in mine? I knew who my father was and who my mother was, and I know who all four of my grandparents were but when I get back of that I am lost in obscurity and night. I know they came from New England. I hate to admit it, but they did,—pure Nordic.

MR. TOMS: New England Nordic?

MR. DARROW: New England Nordic. Isn't it awful? I know it. I had to bear it and get along with it the best I could for all these years. For all I know they may have been related to Jonathan Edwards. From there they go back to England, but what of it? Gentlemen, I don't know where they came from back of that or that far, and I know that back of me and back of you is an infinite ancestry stretching away back at least five hundred thousand years, and we are made up of everything on the face of the earth, of all kinds and colors and degrees of civilization, and out of that come we.

Who are we, any of us, to be boastful above our fellows?

When I look at a man like Spaulding, a woman like Mrs. Spaulding and a man very much their inferior like Johnson, who says I would not go where I was not wanted—I don't know where a detective is wanted—"I would not go where I was not wanted; you brought this thing upon yourself," then I feel sad, gentlemen, when I think of the injustice of man. I do not know what you can do for it. I wish I did. I would do it, if it was not too expensive.

Now to get back to the case. Excuse me for wandering around. I got to quit after awhile. I am talking against time. But let me tell you this.

Mr. and Mrs. Spaulding drove down Charlevoix. When they got down to that street, St. Clair, they found a large crowd of people, hard to get through.

They will say, why didn't they mob them, because they were colored? All kinds of reasons. She did not look it. He looked like he was a gentleman, although he was not, because he was black, he looked like he might be. They might never had had the chance and he went straight ahead. It was doubtless before that time because as I recall it police officers had been placed to divert traffic. They came right past the corner.

Mrs. Spaulding said upon the right hand side around that school house and upon the south side of Charlevoix she would estimate the number of people at something like four or five hundred, 400 I think and she did not look north. The driver, Spaulding, looked to the north, and he said on that same side, the north side, there were at least 150 gathered around there.

I take their word, and it does not stand alone in this case, but I take their word against every policeman and every member of this uplift organization engaged in supporting law and order and driving colored people from their homes, if there was not anything else in this case. But there is. I will corroborate that by a witness that is not worth anything, as they tell you.

Now I think this witness got mixed, Mr. Toms.

MR. TOMS: Which one is that? Yours or mine?

MR. DARROW: Yours this time. This is a fellow that Mr. Rockefellor worked for, that sells gasoline at the corner. What was the name anyway?

MR. TOMS: Greenslade Oil Co.

NEGRO CAN BUY HOME IN RESTRICTED SECTION BUT CANNOT LIVE IN IT

(Special to The Daily Worker)

DETROIT, Mich., June 30.—Judge L. W. Carr in the Wayne circuit court granted an injunction to William Starkes and his wife, Negroes to own a home in the Lakewood Boulevard subdivision but prohibited them from living in their home.

The judge declared that the restrictions of the subdivision which state "property shall not be sold nor leased to persons whose ownership would be injurious to the locality," barred the Starkes from living in their home, but not from owning it.

The Negro in the North.

A Detroit court has just ruled that a negro may own property in a restricted district of that city, but he may not occupy it.

A race riot of considerable proportions was precipitated in Detroit some months ago by the insistance of a negro upon his alleged legal right to occupy a residence in a district popoulated exclusively by whites. We assume that this court decision is the direct result of the controversy brought on by that riot.

We are not criticising the decision of the court in this case. We cite it merely as proof of the inconsistency of our northern friends on the race question. Sometimes they permit themselves to become all wrought up over imaginery injustices done the negro in the south.

Frequently a northern lecturer or writer discourses glibly about the so-called race problem, when he knows little or nothing at all of what he is talking about. Nevertheless, he often does much harm by creating in the minds of uninformed negroes the impression that social equality exists north of the Ohio River.

When the misinformed negro quits the south and removes to a northern state, he finds that he had been deceived. Sometimes he meets with violence at the hands of those whom he had been persuaded were his friends. That is just what happened in Detroit. Then the matter got into the courts, and now the negro finds that he can get no consolation there.

In the south the whites and the blacks understand each other. Leaders of both races for years have been co-operating in an effort to better the condition of the negroes in every way. If these leaders had not been handicapped by the interference of those who knew nothing of the problem, no doubt southern negroes would be much better off today than they are.

While it is admitted there is much yet to be done, we are making headway, nevertheless. We believe that the great majority of negroes realize this, and have confidence in the outcome.

The Detroit race riot and the court decision growing out of it should convince a very intelligent black man that he would not fare very well in the north.

And the Detroit case is but one of many that could be cited.

ASK STATE TO NOL PROS INDICTMENTS

Chicago Defender

Clarence Darrow's masterpiece, his closing plea in Judge Frank Murphy's courtroom for the liberty of the Sweet defendants, is published in full on page 2 of this issue.

(Pictures on Page 2)

Detroit, Mich., May 26.—The acquittal last Thursday night of Henry Sweet, first of the Sweet case defendants to be placed on trial, has broken the back of the famous murder case, asserted legal opinion here this week. Steps are now being taken to induce the state to nol-pros the indictments hanging over Dr. Ossian H. Sweet and the other nine who were in his newly purchased home on the night that Leon Briener walked with the mob and got shot.

It will be impossible now, declare followers of the long-drawn legal battle, to pick a conviction jury anywhere in Michigan. Clarence Darrow's sledge hammer defense has smashed once for all the notion that members of the Race have not the right to fight in self-defense.

Expect State to Quit

The strongest attack the state could launch was thrown against Henry Sweet, weakest of the defendants. Darrow battered through the mass of evidence and showed that it was made of ignorance, hate and race prejudice. In a closing plea hailed as his greatest effort he challenged the jury to resist the race hate and in four hours the jury reported Sweet not guilty.

With its best card beaten, it is hardly likely that the state will proceed against the other defendants. The cost of the trial has already mounted high and with no prospect of getting convictions the state will not want to go to the added expense.

Segregation Beaten Again

With Henry Sweet free and the release of his co-defendants believed imminent, a death blow has been dealt to attempts at segregation by mob violence. The legal duel now closing in this city will take rank with the famous Louisville segregation case and the Washington segregation case, as significant rebuffs of the attempts of American race prejudice to force our urban population into the life of a ghetto.

The Louisville case in 1917 broke down efforts at segregation by legal ordinance. In this decision city and state Jim Crow laws were ruled unconstitutional. The next step was an extra legal method of segregating by private agreements among property owners. The Washington case is seeking to have that method declared unconstitutional. Twice thwarted, the segregationists resorted as a last desperate measure to segregation by mob violence. Clarence Darrow went to Detroit and forced a white jury to admit that a mob which surrounded a Race member's home took life in its own hands.

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VERDICT IS EXPECTED EARLY

BULLETIN

Detroit, Mich., May 14.—The Sweet case is in the hands of the jury. Leslie Moll, first assistant prosecuting attorney, opened with his argument Monday morning after Judge Frank Murphy had overruled a motion to instruct the jury for an acquittal, ordering a directed verdict. He was followed by Thomas Chawke, defense counsel, considered the best criminal lawyer in the state of Michigan, who made the master plea of his life, declared those familiar with his work. Clarence Darrow, chief counsel for the defense, argued his side of the case Tuesday, with Prosecutor Robert M. Toms following him. The instructions of Judge Murphy will go on record as being the finest in the history of Michigan.

By NETTIE GEORGE SPEEDY

Detroit, Mich., May 14.—A voice from the dead appealed for justice and uttered accusations against a mob in the case of Henry Sweet when Judge Frank Murphy of the recorder's court ruled that the testimony of Alonzo C. Smith now deceased and a witness at the former trial, be read for the benefit of the jury.

The moment was tense. An awed silence fell upon the courtroom. With impressive solemnity Thomas Chawke, assistant defense counsel, rustled the sheets of paper and began reading the statement of Smith in a soft, modulated voice. Though taking his last long sleep, his presence was felt. It seemed as if Smith had come to life again. Everyone in the room was affected by the story as related by Lon Smith.

Henry Sweet is on trial on a charge of murder. He is one of 11 defendants who were arrested at the home of his brother, Dr. Ossian H. Sweet, after Leon Briener had fallen mortally wounded when a fusillade of shots was fired from the windows of the Sweet home. It is claimed by Clarence Darrow, chief defense counsel, that Briener was a member of a mob which had gathered outside the Sweet home with the determination to drive them from a white neighborhood.

Saw Large Crowd

Smith had stated that he, his nephew and another man named Smith went for an automobile ride on the evening of Sept. 9, the day of the tragedy, and as they approached Charlevoix and Garland Aves., where the Sweet home is located, they were attracted by a large crowd of men, women and children gathered there. As they neared the intersection of the two streets some one in the crowd noticed them and began to yell: "Here comes some 'niggers;' kill them;" "Catch the 'niggers,' they are on their way to the Sweet home," etc.

The hue and cry was taken up immediately and they were set upon by the mob. Stones were hurled at them, the windows of their car were broken, the crowd was closing in. One man, more venturesome than the rest, jumped upon the running board and attempted to cripple the driver of the car. Desperate measures must be taken. The other Smith opened the door of the car, put one foot on the running board, and pretending that he had a gun, commanded the crowd to stand back, threatening to shoot. The ruse worked, and an order to "step on it' was carried out, and the three men escaped in a badly damaged car. One of them was suffering with a scalp wound where he had been struck with a rock.

Smith had disclaimed knowing Dr. Sweet and was ignorant of the cause of the assault upon them till he was informed by perusal of the morning papers.

Curner Case Reviewed

Dr. Ossian H. Sweet, cultured, educated, and a gentleman, took the witness stand in behalf of his younger brother, and for the second time in his life he testified concerning the details of that haunting night which are indelibly stamped upon his memory. He frankly acknowledged that he had carried guns and ammunition into his home for the protection of his life and property. He told of many episodes in the city here where mobs had driven Race people from their homes.

He related the looting of the home of Dr. A. L. Turner, when men, women and children had stoned his home. A man had gone to the home of Dr. Turner and, posing as friend, succeeded in having him open the door. This man led a mob into the house and they then forced Turner to sign away his rights to the place and agree to give it up. His home was saved to him by the action of his wife. She refused to sign and invited death rather than submission.

The story was told of the treatment of Vollington Bristol, who moved into a white neighborhood. The family was housed in their home but a few moments when a woman mounted a soap box and derided the men for their inactivities against the family. She screamed: "If you men don't drive these 'niggers' out, we women will." She led a mob which stoned the house, tore part of it down, and caused dozens of shots to be fired. The police came. They arrested the inmates of the house and the members of the mob were unmolested.

Another mob surrounded the home of John W. Fletcher when he moved into their section of the city. They drove him from his home, which he had inhabited less than 48 hours. His next door neighbor had ordered two tons of coal. The fuel was piled in a mass in front of his home. The next day the tiniest lump could not be found where it belonged, for the mob had thrown every piece of it at the Fletcher home.

Dr. Sweet shuddered when he told of the gathering of the mob that night in front of his home. A far-away look came into his eyes. He told of another mob he had seen when when quite a boy. The fate of the victim of that mob could be his, that of his wife, that of his two brothers, or that of his friends.

A haunting fear seemed to possess him when he told the story of Fred Rochelle, who had been burned at the stake by a mob in Barton, Fla. He pictured the scene so vividly the screams of Fred Rochelle could be heard again. Burning flesh was smelled, the can of kerosene which was porned over his body and the burning torch, which ignited it, were in the background. Crowds were seen carrying away gruesome bits of burned flesh as souvenirs. The burning of the boy was a festival for the white populace, and it had occurred near a river named Peace.

Dr. Sweet thought of Fred Rochelle as the mob grew in numbers in front of his home. He thought of his wife and baby Iva. It was for her sake he had bought a home, where he might rear her to enjoy fresh air and comfortable surroundings.

Rocks were bombarding his home. His brother, Dr. Otis Sweet, the dentist, and William Davis, a government narcotic agent, were stoned by the mob as they ran from their automobile towards the shelter of the house. A few seconds later shots rang out. They seemed to come from the upper floor. Leon Briener was felled with a bullet which passed diagonally through his body. He was standing across the street from the Sweet home.

Henry Sweet did not take the stand in his defense. Prosecutor Robert M. Toms read his statement to the jury where the lad had confessed to the police that the night of the killing he had fired a rifle twice. Once above the heads of the mob, another time in the air. He stated that his experience in marksmanship in the R. O. T. C. at Wilberforce university had taught him how to aim.

The state had called William Cavers, a firearm expert, to prove that two bullets which were found imbedded in the porch of a home across the street from the Sweet home could not have been fired by Policeman Robert Gill, as they did not fit his gun. Gill was the policeman who stated that he shot at two forms when he saw them appear at the second floor back door of the Sweet home. One theory of the defense was that the officer's bullet might have struck Briener.

Social Worker Called

Darrow used the expert's testimony for the advantage of Sweet. He succeeded in bringing out the fact that the two bullets could not have been fired from the rifle which was held in the hands of Henry at the time of the shooting. Dr. Sweet corroborated the statement of Henry that he was possessed of the rifle at the time of the killing.

Mrs. Mary Spaulding, social worker for the Detroit Urban league, 4708 Aubin Ave., the first witness called by the defense, told of driving by the home of Dr. Sweet the night of the shooting and of the large number of persons collected around there. She declared that there were at least five hundred persons gathered in a school yard across from the place, and the people who were going towards the home looked like a parade. Her story was corroborated by her husband, Bruce, an employee of the United States government.

James Smith, 932 Eliot St., nephew of Lon Smith, testified that he was driving the car for his uncle that night and he related the story of the attack by the mob and said that several hundred people were gathered around the Sweet home. His story was practically the same as that of his dead uncle.

Miss Serena Rochelle, 6373 Begole St., stated that she and Miss Edna Butler, 31 Robinwood Ave., had gone to the Sweet home on the evening of Sept. 8 to discuss the interior decorations of the home, and such a large crowd gathered in front of the house that the two girls were afraid to go home and spent a sleepless night there. She told of the home being pelted with stones that night.

She said there were at least two hundred people gathered in front of the place. Prosecutor Toms asked her if there were any women in the crowd, to which she replied in the affirmative.

"What were you afraid that the women would do?" asked Toms.

"Women can do as much as men," quickly replied Miss Rochelle.

"Why did you not call out to the police and ask them for aid?" questioned Toms.

"The police are overpowered anyway," she answered.

Miss Butler, an employee of the Woman's exchange for the past six years, when cross-questioned by Toms as to why she spent the evening at the Sweet home, replied: "No sensible colored person would have walked out into that mob."

She told of a conversation she heard on the street car the next morning when the motorman asked a woman passenger what had been the excitement at the corner the night before. He said the woman replied: "A Colored family has moved into the neighborhood and they were trying to get them out. They staid there last night, but they won't be there tonight." She had telephoned this conversation to Mrs. Sweet later in the day.

"You did not live there, did you?" asked Assistant Prosecutor Leslie Moll.

"No, but the mob on the outside did not know that."

"You did not think that they would hurt you, a woman, did you?"

"A Colored woman does not mean anything to a white mob."

Three white witnesses appeared for the defense. Each declared that he did not know Dr. Sweet nor any of the inmates of his home. Ray Lorenzo, the proprietor of an automobile accessory shop in the vicinity, declared that there were at least five hundred people surrounding the Sweet home.

Philip Adler, a newspaper reporter, said that he was at the corner of Charlevoix and Garland Aves. at the time of the shooting. When he asked some one what was all the excitement and why so many persons were gathered there, he was told, "A 'nigger' family has moved in the neighborhood and they are trying to get rid of them."

He said that the Sweet home was being peppered with stones just before the shooting. There were at least four hundred or five hundred persons gathered there. He had a very vivid impression that the crowd seemed to be of a different type than those living in the vicinity.

Mrs. Theresa Hineys, a German woman living for the past seven years at 2926 Bewick St., a block from the Sweet home, described the crowds of people she had seen around the Sweet home on the night of the 8th, as well as the 9th. She declared that she had heard six shots fired that night. She stated that her husband was a member of the Waterworks Park Improvement association.

Tells of Housing Problem

Leaving those, for the moment, who were actually concerned in the Sweet case, the defense called John C. Dancy, 6620 Firwood Ave., a social service worker for the Urban league, and he told of housing conditions here. He stated that the Negro population here in 1910 was 6,000, in 1920, 42,000, and the board of education gives a population of 81,000 Negroes for 1926. He added that the Negro was forced to pay a higher rent than the whites.

Articles from daily newspapers where Mayor Smith was appealing to the people to desist from mob rule and keep the stain away from their city, which has besmirched others, were read to the jury.

Dr. Gilbert Jones, president of Wilberforce university; his father, Bishop J. H. Jones of the A. M. E. church, and Harry Graves, athletic coach at Wilberforce, appeared as character witnesses. Bishop Jones had broken a rib the day before he was to be called upon to testify, but he ignored all appeals for him to have the rib set immediately and answered that after he had done something for Henry would be time enough to have the bone set.

Persons from all walks of life jammed the courtroom. Seated at the press table was Mrs. Marcet Haldeman-Julius, wife of the editor and publisher of the Little Blue books and other periodicals.

Those in constant attendance during the trial were the Mose Walkers, Mrs. Edith Hamilton, Dr. R. L. Bradby, Mrs. Laura Walker, Bertha A. Koon, president of Detroit National Women's party, working for equality and against discrimination of women; Mr. and Mrs. L. C. Blount, Peter Cassey, Mrs. Ada Mathews, James Green, Fred Napier, Romaine Johns, Elijah McCoy, C. H. Tobias, Dr. E. A. Carter, Mesdames Ada Mathews, Julian Perry, Beulah Young, Mary Belle Rhodes, Misses Inez Cavanaugh, Mary Elizabeth Smith, Jessie Pharr, Bettie Woods, Mabel Chavis, Beatrice Kennedy, James Greene, M. N. Parker, Hamilton Junior, Fred Napier, L. McKinney, Alonzo Pettiford, Patsy O'Toole and the 10 defendants who were indicted with Henry Sweet.

A Lesson in Unity

IT IS IMPOSSIBLE to overestimate the importance and significance of the decision in the case of Henry Sweet, who has just been acquitted of the charge of murder, in that he went to the assistance of his brother, Dr. Ossian Sweet, whose home was being besieged by a mob of white men. The cases of ten other defendants, including Dr. Sweet and his wife, are yet to be disposed of by the courts. But the precedent has been set. A man, even a Negro man, has the right to defend his life and his family and his home from riotous mobs.

FAR MORE IMPORTANT, though, is the practical lesson in unity the Sweet case has taught Negroes in this country. To say that Henry Sweet would have been acquitted of complicity in the murder without the aid of the National Association for the Advancement of Colored People, which in this case represented all Negroes with an ounce of sense, and a few liberal-minded white people of the opposite race, could not be supported by past experiences in such cases.

HENRY SWEET, like many other defendants in the courts of all races would have become enmeshed in expensive legal machinery, which more and more is making it almost impossible to get justice in the courts. In addition to this the natural prejudices of the average white man against intelligent Negroes would have played a heavier role than they did and, most likely, he would today find himself in a Michigan penitentiary.

Darrow Opens For Defendant In Strong Plea

(By the Associated Negro Press)

Detroit, Mich.—Immediately after the state rested its case, in the trial of Henry Sweet, Clarence Darrow, counsel for the defense, made a direct verdict of not guilty on the grounds that the state had failed to prove that Henry Sweet fired the shot which killed Breiner, and that the state had failed to prove a conspiracy entered into by Henry Sweet and the ten other defendants in the case, so charged in the bill of particulars filed at the beginning of the previous trial.

Robert M. Toms, prosecutor, argued that it was not necessary to prove that Henry Sweet actually shot Breiner. Judge Murphy stated that the motion could be renewed later. He said:

"The motion is denied at this time, but there are certain phases of arguments by both the defense and prosecution that I wish to discuss later."

Darrow Ill Thursday.

Due to a threatening cold from which Mr. Darrow has been suffering for several days, court was adjourned early Thursday afternoon, while Dr. Ossian H. Sweet was testifying. The defense also needed time to review the testimony of Dr. Sweet in the previous trial and make special preparation for its final plea.

Dr. Sweet to Retell Story.

Dr. Sweet will reiterate the story he told in the last trial when he dramatically pictured the conditions under which he came up as a struggling member of an oppressed race, and the events he had experienced and heard about concerning terroristic methods used to humiliate and subjugate his race which led him and his ten co-defendants to prepare for the mob attack of white neighbors in a very thorough manner. He, himself, worked his way through school. In the former trial he told the story of many cases where the Negroes had always received the worst end of the deal and expressed his belief in his right to protect his home.

Other Witnesses Testify.

Witnesses for the defense have consistently established the fact that between four hundred and five hundred people were formed into a mob outside of the Sweet house on the nights of the 8th and 9th of September, in exact opposition to the testimony of state witnesses.

Mrs. Mary Spaulding of the Detroit Urban League and James Smith, both testified that they had seen a crowd estimated at between four and five hundred when driving through the district.

Miss Serena Rochelle testified that she was a personal friend of Mrs. Gladys Sweet, and that on the night of the 8th, she and another friend, Mrs. Butler, went to the Sweet residence to help in the planning of interior decoration, and that they were so frightened by the mob on the outside, they spent the night. Miss Rochelle remained staunch in her rebuttal to the grill of Mr. Toms who tried to show that she had nothing to be afraid of from the mob and should have called the police. She said that she knew from her knowledge of other mobs, that the police could do nothing. When questioned as to why she had not looked for a mob on the Charlevoix side of the Sweet house she retorted, "There were enough on the Garland side for me to be frightened." She also said that she distinctly heard one stone thrown on the top of the house.

White Reporter Testifies.

Philip Adler, white, a newspaper reporter for the Detroit News, said that he and his family were out driving on the night of the 9th and when they reached the vicinity of Garland and Charlevoix, a policeman made them drive on. He parked his car in a nearby alley and returned to the mob scene on foot. Adler testified that there were approximately five hundred people in the mob when the shooting began in the Sweet house, and that he had heard stones thrown against the house making a tapping sound.

Another witness, Ray Lorenzo, white, testified that he had seen approximately five hundred people in the schoolyard which is on the Garland and Charlevoix corner, from the door of his automobile accessory shop.

Case Nears Jury.

Testimony concerning the number of people in front of the Sweet house, which fact carries great weight in determining whether or not the defendants had necessary provocation to shoot in self defense, has been given by witnesses for state and defense in figures that have varied from ten to one thousand.

It is expected that the defense will rest its case Saturday or Monday at the very latest. It has not yet been decided whether Henry Sweet will testify or not.

Segregation - 1926

Missouri.

JUDGE GIVES FAMILIES 30 DAYS TO MOVE

St. Louis, Mo., July 25.—Families living in the double flat at 4517-19 Cote Brilliante Ave. were ordered to vacate within 30 days under an injunction issued by Circuit Judge Calhoun [illegible] of the property, Miss Agnes M. Tegethoff (white).

The injunction concluded one of the 10 suits brought by white residents of the block against owners who had rented their property to members of the Race, or had threatened to do so. Similar decisions are expected when the other cases come to trial.

Based on Covenant

The suits were based on a covenant signed by property owners in the block in 1922 in which they agreed to rent or sell only to white persons. Miss Tegethoff was among the signers.

At a recent hearing Miss Tegethoff claimed that the agreement was not binding as to her because, she said, she signed only on the promise that the covenant would not be recorded until the signatures of all residents of the block were obtained.

Judge Scores Owner

Plaintiff's counsel submitted decisions of the United States supreme court, which have upheld similar covenants by property owners.

In his opinion Judge Calhoun stated he was guided only by the law in the case. "It is but fair to observe that this court has the greatest sympathy and respect for the Negroes who now occupy as tenants the defendant's property," he said.

"They are the unfortunate victims of the defendant's willful violation of a solemn covenant she signed. Unfortunately for them, the indenture, being filed of record, bound them to a knowledge of its terms.

"As for the defendant, who was advised and counseled by her father and a brother, real estate dealers, one can have nothing but bitter condemnation. In violating the covenant she not only caused injury to the plaintiff and other property owners, but damaged and humiliated the unfortunate Negroes who have enriched her with their rentals."

National Segregation Association Is Formed

KANSAS CITY, Mo., Aug. 19.—Not content with stirring race hatred in Kansas City to a riot pitch, certain white people, some of whom have been active in improvement associations seeking to bar Negro families from this and that neighborhood, have organized a national association whose purpose is to foster segregation of races and nationalities.

The National Protective Association is the name of the body which applied last Tuesday to the Circuit Court for a 20-year pro-forma decree of incorporation.

According to the agreement, the association will conduct a national movement to regulate the race question, as it relates to residential restrictions, "thereby creating a fraternal and beneficial relationship between the nationalities or races, and alleviating the strife and turmoil, hatred and ill-religious feeling that now is prevalent."

Kansas City Fights Segregation Program

John L. Love, president of the Kansas City Branch of the National Association for the Advancement of Colored People, reports that a fight is being made by the Branch against a move by local white people for nation-wide segregation of races. The whites have sought to incorporate the "National Protective Association" for this purpose, and incorporation of this body is being opposed by the N. A. A. C. P. The head of the segregation group is reported to be Stanley Byrd, cashier of the Kansas City Southern Railway Company.

Mr. Love states that the situation arose out of a suit brought against a colored man and his wife to compel them to vacate property they had bought and moved into, the property having been subject to a white property owners' restriction agreement. The Kansas City N. A. A. C. P. came to the assistance of the colored man and his wife and the white organization is reported to be financing the suit against them, according to Mr. Love.

The colored occupants, Mr. and Mrs. Whitney, still live in their house, and the pending injunction is to be tried on September 20. Should decision be against the colored home owners, the case will be carried before higher courts on appeal.

WHITES PROTEST INJUSTICE TO NEGRO CITIZENS

Kansas City, Mo.—A delegation of forty white property owners have lodged a protest with the park board against condemning sixty-two Negro homes in order to create a park which will join Brush Creek Parkway with Swope Park.

The proposal to condemn the homes has been made by the Linwood Improvement Association of which John H. Bowman is president. The association frankly admits it is seeking to drive out the Negro families and draw a "deadline" at Twenty-seventh Street. At present, Negro families are occupying homes on Highland and Vine Streets to Twenty-ninth and on Woodland Avenue to Twenty-eighth Street.

Bad Treatment

The spokeman for the property holders was T. S. Gough. "The way the Negroes of this town have been treated in the matter of homes is shameful," Mr. Gough said. "Surveys and reports show Negroes here have miserable places in which to live. Their death rate is very high. Then, when they make an effort to get better homes and spread out where there is light and air, along comes a group which says, 'You shall not.' It is not right, and I do not believe the members of this honorable board want to become parties to driving 62 peaceful, law-abiding families from their homes. It has not been the record of Kansas City that homes have been condemned by this board for parks and I am sure this honorable body will not want to break that precedent.'"

"Hired Agitators"

Following Mr. Gough's address, the Rev. D. A. Holmes, pastor of the Vine Street Baptist Church, spoke briefly to the board. Rev. Holmes sketched the growth of population among Negroes and pointed out that these people had to go somewhere to live. He said the idea the Negroes were going to attempt to force their way to Linwood boulevard was preposterous. He pointed out the fact that a great deal of misrepresentation was being spread by the Linwood association and its executives, whom he charged were "hired agitators."

Edward Zea, who presided over the board in the absence of F. C. Sharon, president, who is away on a vacation, said the board would do nothing without the full membership being present. He said he was not sure whether a full board would be present next Thursday, but certainly there would be one on the following Thursday.

He asked all who were against the condemnation for a park to stand up. All stood except two women, who were from the Linwood Association.

K. C. REFUSES TO CONDEMN NEGRO HOMES FOR PARK

Ruse of Improvement Association to Oust Negroes From Locality Failed.

Plan Further Action

Park Board Declares Plan Had No Merit; Without Power to Arrange Restriction.

(From The Kansas City Call)

Kansas City, Mo.—The park board Thursday afternoon flatly refused to recommend the condemnation of 62 Negro homes as petitioned for by the Linwood Improvement association.

Representatives of the Linwood association present were told, "This board turns your proposition down because it has no merit."

Not Needed for Park.

F. C. Sharon, president of the board, pointed out to A. J. Brunner, spokesman for the Linwood association, that the land on which the homes are situated is not needed for park space.

"The board has gone into this proposal thoroughly," Mr. Sharon said. "We have even been through the district sought to be condemned. We find there is no necessity for this condemnation as there is park space enough in that district for years to come."

Brunner remonstrated that the members of the Linwood association were willing to buy the homes and land and present it to the city for a park. Mr. Sharon pointed out in return that the board would be unwilling to consider the proposal even under those circumstances and the board already had more park space to care for than it had money.

Foster Refuses Flatly.

Brunner then addressed himself to Matt Foster, newly appointed member of the board to fill the place of Edward Zea, who died recently. Brunner pointed out that signers of the petition were influential and wealthy and asked Mr. Foster if he had read the petition. He was considerably taken back when Mr. Foster said he had not read the petition.

"This board," said Mr. Foster, "is concerned with only one angle of this case: Is it necessary to take this land for park purposes? We have found that it is not necessary and therefore cannot consider your proposal. The thing you people wish this board to do, you alone can do with restrictive measures at your disposal. We may consider only parks and their necessity, not restrictions on this or that group."

Calls for Help.

Brunner then turned to Paton, secretary of the South Central Business Men's association, and asked him if he could not say a word. Paton remained silent.

The board then declared the proposition turned down because it had no merit.

Brunner, after the petition was turned down, intimated that the Linwood group would carry the matter further, although he did not indicate before what body or in what manner

ne move would be made.

J. H. Nelson, president of the Spring Valley Improvement association, was present and thanked the board on behalf of the colored property owners, for considering the park angle only and refusing to be drawn into a controversy.

OUSTER SUIT IS FILED AGAINST RESIDENTS ON COTE BRILLIANTE AVE.

Old Residential Segregation Fight Resumed When New Families Move Into The 4500 Block.

COURT UPHELD PACT TO BAN COLORED AMERICANS

Depreciation Of Property Value Argument Has Little Foundation. Colored Pay Most.

The old neighborhood segregation warfare which has centered around the Cook, and Cote Brilliante avenues district during the past few years, flared up again this week when Mrs. Effie Lawrence and Mr. A. W. Harris of 4565 Cote Brilliante Ave., received a subpoena to appear in the circuit court December 6, to face an ouster suit filed by ten white residents and property-owners in the block in which they live.

Court's Decision

The subpoena was signed by supposed members of the Protective Association which won its case against the colored residents in the 4500 block on Cote Brilliante last spring. The decision of the court in this instance was that the restriction pact signed by white residents of the block was legal and that the colored residents in the case would have to move. This decision affected about fourteen colored families living in the block. An appeal was filed in the case, however and is still pending. Only about 4 colored families have moved from the block. however, while more than that number have moved in since the decision. The defendants in the present case are new arrivals, having been in their present residence about three months.

The Paradox

It was pointed out that the chief argument used by the segregationists in their case last spring was that the residing of colored persons in the block would depreciate the value of the property therein. Nevertheless, the two families involved in the present ouster suit are paying higher rent than their white predecessors.

Named in Suit

Named in the ouster suit with Mrs. Lawrence and Mr. Harris is Mrs. Morris Millman, a Jewish property holder of 1804 South Taylor Avenue, who rented the house to them.

Those whose name appeared on the court summons were Hyman Saltzman, Henry A. Morfield, Gertrude Morfield, Malinda Schroeder, Frederick Schroeder, William Goodenough, Margaret Goodenough and Stephen Compo.

Segregation - 1926

Missouri.

RACE TILT CITED AS MOTIVE

St. Louis, Mo., Jan. 5.—A bomb placed inside the door of a garage at the rear of the home of William Moore, railway mail clerk, 4462a Cook Ave., caused an explosion on Monday night that damaged considerably the garage and an automobile belonging to Oscar Young, who occupies the lower floor of the Cook Ave. house.

Both doors of the garage were blown off and all the windows were shaken loose as the result of the explosion.

No damage was done to the residence or any of the surrounding property. This is the second explosion in the neighborhood within the last month caused by bombs and police attribute this to ill feeling between members of the Race and whites.

The first explosion occurred about a month ago when a bomb was thrown into a house at 4002 Evans Ave. and owned by Dr. Cox, proprietor of a drug store at Compton and Lucas Aves. Since that time a special squad of police has been detained to guard the block in which the first explosion occurred.

The district in dispute was formerly an all white neighborhood, but since that time members of the Race have been acquiring property in the neighborhood and the move has received strenuous opposition from the whites.

SEGREGATION FIGHT UNDER WAY, ST. LOUIS

ST. LOUIS, March 17.—James H. Tanter, secretary of the local branch of the N. A. A. C. P., is responsible for the following information:

"There has been instituted propaganda to prevent the Negroes from occupying premises in certain localities in St. Louis. Boundaries have been formed and a perfectly organized effort has been established to accomplish these aims of the white real estate agents. Twenty-one organizations have banded themselves with well laid plans to keep the Negroes from purchasing or renting houses only in the localities they have selected for them. This organization is composed of real estate men, merchants and business men of every profession. The agreement as laid out, or in other words the constitution of the organization, is in our hands. . . . The Executive Committee (of the branch) has authorized a Committee and that Committee has worked out a plan to comb the city for membership and defense funds to be used as emergency arises. . . . We have something like 30 organizations. All are willingly desirous of working with the Association's Branch."

St. Louis To Try Segregation Of Negro In Residence Districts

United effort of 21 Organizations to Fix Boundaries for Colored Groups Met By Work of N. A. A. C. P.

(N. A. A. C. P. Press Service)

A concerted effort by 21 organizations in the city of St. Louis, to establish exclusion of Negroes from residential districts with definitely fixed boundaries, is being met by the local branch of the National Association for the Advancement of Colored People, which has organized a special committee to obtain members, and raise funds to meet emergencies as they may arise. James H. Tanter, Secretary of the St. Louis Branch, writes to the National Office of the N. A. A. C. P. in New York:

"There has been instituted propaganda to prevent the Negroes from occupying premises in certain localities in St. Louis. Boundaries have been formed and a perfectly organized effort has been established to accomplish these aims of the white real estate agents. Twenty-one organizations have banded themselves with well laid plans to keep the Negroes from purchasing or renting houses only in the localities they have selected for them. This organization is composed of real estate men, merchants and business men of every profession. The agreement as laid

Residential Segregation Fight Is On In St. Louis

ST. LOUIS, Mo., March 18.—A concerted effort by 21 organizations in the city of St. Louis, to establish exclusion of Negroes from residential districts with definitely fixed boundaries, is being met by the local branch of the N. A. A. C. P. which has organized a special committee to obtain members, and raise funds to meet emergencies as they may arise. James H. Tanter, secretary of the St. Louis Branch, writes to the National Office of the N. A. A. C. P. in New York:

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THE SWEET CASE

Much has been said about the "Sweet Case." One of the most interesting features of the case was told by Walter White, Asst. Secretary N. A. A. C. P., during his address at Scruggs Memorial, last Sunday night, when he told that Dr. Sweet was not a member of the N. A. A. C. P. at the time his home was assaulted by a white mob; a result of which, Dr. Sweet and ten other defenders were tried for murder and faced sentences of life imprisonment.

We say, that is the most interesting feature, because it should chalienge and hold the attention of every thinking Negro in America. Dr. Sweet knew that there was an organization generally known as the National Association for the Advancement of Colored People, but he, like many others, thought little that such an organization would ever be called upon to help him, or to defend any case, in which he might be directly interested. To this, we have no harsh criticism, nor is the doctor wholly to blame. But we are calling this matter to the attention of others, in due time, while the mob is apparently a distance from their door, that they may be better prepared, should something similar come upon them.

Right here in St. Louis, there are many of our business and professional men and women, who are "too busy" to give the matter of joining the Association a thought. They seem to think just so long as the howling mob is not knocking at their door, there is nothing over which they should be alarmed. It seems that they have never given such a matter any serious thought.

It is just as likely to happen right here, as it happened in Detroit, only it may be in a different form. No one can tell how soon 'twill be. The local branch N. A. A. C. P. offers the best medium of protection, in the pursuits of your rights as citizens, of anything we know.

When we think of the Sweet Case in the future, the picture of the defendants sitting in court, facing as it were, life imprisonment for alleged murder, and along comes some big brotherhood and piles up $22,000, and a wall of country wide influence between them and the penitentiary, then we would think of the many careless and indifferent Negroes, especially in St. Louis, who won't give one dollar to help maintain such an organization, and we wonder, "what manner of men and women are we?"

COURT GRANTS INJUNCTION TO OUST DWELLERS

Upholds Right Of Cote Brilliante Ave., Whites To Bar Colored Citizens From 4500 Block.

A decision was handed down in Judge Calhoun's court Thursday restricting Miss Agnes M. Tegethoff, white, owner of property at 4517-19 Cote Brilliante avenue, from renting or selling this property to colored citizens, thus upholding a voluntary segregation pact of the white property owners in the block.

Five Other Suits

As a result of the granting of an injunction restricting colored persons from buying or renting Miss Tegethoff's property, it upholds restrictions against five other colored families in the block which have decisions pending in ouster suits.

Judge's Opinion

In an opinion Judge Calhoun said: "The law must be followed as it is written and interpreted by our courts of last resort regardless of consequences. It is but fair to observe that this court has the greatest sympathy and respect for the Negroes who now occupy as tenants the defendant's property. They are the unfortunate victims of the defendant's willful violation of a solemn covenant she signed. They did not willfully participate with her in the violation but unfortunately for them the indenture being filed of record, bound them to a knowledge of its terms. As for the defendant, who was advised and counseled by her father and a brother, real estate dealers, one can have nothing but bitter condemnation. In violating the covenant she not only caused injury to the plaintiff and other property owners but damaged and humiliated the unfortunate Negroes who have enriched her with their rentals."

NEGRO STORE IN WEST END DYNAMITED

Revival Of Neighborhood Segregation Strife Seen In Outrage In District Of White And Colored

Revival of the old neighborhood segregation "warfare," which several months ago was held responsible for a number of uprisings and bombing in the vicinity of Cook and Evans avenues, and Page boulevard, was seen in the dynamiting at 9:50 Tuesday night of the Midway Confectionery and Creamery, a high class colored establishment at 1216 North Pendleton avenue.

The Midway Confectionery was opened several months ago by George A. Bell of 4263 West Cook avenue. The location of the establishment is on Pendleton between Cook Ave. and Page Blvd. In one of a group of newly constructed one story store buildings, which house several businesses operated by foreigners besides Bell's concern. The district is largely populated by whites.

The Midway was well equiped with modern high class furnishings and catered to refined colored trade. Many whites were also served by the concern. Although the proprietor could ascribe no cause for the bombing of the place, police attach the resentment of whites to the invasion of the district by Negroes as the possible basis for the act.

Bell was the only one in the place at the time of the explosion. The dynamite was thought to have been thrown onto the roof. The blast ripped open the top of the building and did considerable damage to its interior. Bell sustained slight injuries. The damage done was estimated at $1100. Two unexploded sticks of dynamite were found in the ruins.

Segregation—1926

NEWARK N J STAR
JUNE 21, 1926

Negro Realty Ban

Initiation of a suit in the Court of Chancery to prevent the owner of property in Montclair from selling it to a negro provides local pertinence for a decision rendered recently in the United States Supreme Court on the specific subject. The court upheld restrictions in the city of Washington against transfer to a negro of a site. Whether the Montclair matter is on all-fours with that in the national capital remains to be developed by the lawyers and the court but the similarity appears close. In both instances it appears that property owners entered into a mutual agreement to not sell to negroes. It had been widely believed such an arrangement could not be enforced under the Federal Constitution.

Three sections of the Constitution were invoked against operation of the agreement, the fifth, thirteenth and fourteenth amendments. An injunction had been obtained against completion of the contract and this injunction was carried into the highest tribunal. In the decision of the latter, it was explained that property owners in a certain section of S street had executed an indenture in 1921 binding themselves not to sell, lease or give their property to negroes for at least twenty-one years. Neighboring property owners secured the injunction. Dealing with the constitutional aspects the court said:

"The thirteenth amendment, denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another, does not in other matters protect the individual right of persons of the negro race. The prohibitions of the fourteenth amendments have reference to State action and not that of private individuals."

As to the fifth amendment, the court ruled it is a limitation only upon the powers of the general government, and is not directed against the action of individuals.

New Jersey.

New Jersey Ku Klux Klan, Objecting To Negro Home In Kearney, Burn 10-Foot Cross On Site of the Proposed House

Opposition of White Residents Results In Special Caucus Meeting of the Town Council at Which It Was Decided To Revoke Building Permit Already Granted Builder

Kearny, N. J.—The burning of a cross, ten feet high on the site of a two-family house which Negroes propose to erect in Brighton avenue here early Wednesday, brought several hundred residents to the scene and marked the first stage of the fight which persons living in the neighborhood are waging to balk an attempt to establish a Negro colony in that section.

Residents of the neighborhood brought their opposition to the proposed colony before the Town Council at a caucus meeting Tuesday night, resulting in the decision of the Council to revoke permanently a building permit issued to Josiah W. Hopkins, Negro, of 25 Schuyler street, Belleville, when the Council holds its next meeting.

All Fire Apparatus Out

Every available piece of fire apparatus in the town was called out when an alarm sounded from a box at Bergen avenue and Bellegrave Drive, a half block from the spot where the cross had been set on fire. The fire box in located in front of the New Jersey Home for Disabled Soldiers, where more than 300 Civil and Spanish War Veterans are housed. A large crowd was attracted by the belief that the institution was on fire.

The cross, which was the usual type burned previously in Kearny and vicinity in Ku Klux Klan demonstrations, had almost burned out by the time the firemen had arrived. Police did not learn the identity of the persons who erected the fiery emblem, they said.

Had Started Excavating.

Opposition to the Negro colony plans which are said to include the erection of ten two-family houses in the Brighton avenue section, started when a band of colored laborers began excavating Tuesday morning. The workmen were jeered by men and women living nearby, and a protest meeting was held at the home of Mrs. Thomas Flynn of 1 Brighton avenue.

The entire town was aroused over the question and leaders of the opposition said that residents for several blocks in the vicinity of the proposed colony, a section considered the best in the town, will sell their property and move away if their opposition fails.

NEWARK N. J. NEWS
JULY 23, 1926

Ready to Build Flats for Colored

The Orange City Commission has deferred action on a petition for a zoning change and Commissioner George W. Perry has expressed disapproval of the project, but the Seniors of the Oranges and vicinity will proceed with their plans to build an apartment house for colored people in Ogden street, Orange. This was decided at their meeting yesterday afternoon in the Y. M. C. A. of the Oranges.

George S. Hulbert, president of the organization, said it was his intention to carry on the original idea in regard to relieving housing conditions in the First Ward and to give the colored people of Orange modern living quarters.

Mr. Hulbert stated that if the colored people show sufficient interest in this project, the Seniors will do all in their power to see it through. The Seniors are now trying to interest a group of men in financing the building.

SEEKS PROTECTION
FROM VEILED THREATS

Mr. Willian P. Adams, a property owner and employee of the Post Office of New York City, recently purchased a home at 128 Brinkerhoff Avenue, Palisades Park, N. J., after being assured that there would be no objection to his occupancy of the property.

Upon making preparations to move into the new home, Mr. Adams was threatened by many distant neighbors, the close neighbors welcomed the newcomers. Mass meetings were held and many veiled threats made which compelled Mr. Adams to seek aid of the N. A. A. C. P.

The N. A. A. C. P. immediately took up the matter with the proper authorities, finally obtaining a promise from the sheriff's office that an officer would be placed on guard at Mr. Adams' house, beginning on the date on which Mr. Adams moved in.

N.A.A.C.P. Assists New Jersey Man Attacked by Mob in Attempt to Drive Him From His Home

GOVERNOR MOORE PROMISES PROTECTION.

An effort on the part of a white mob at Palisades Park, N. J., to drive William P. Adams of New York from a newly purchased home located at 128 Brinkerhoff Avenue, Palisades Park, N. J., brought prompt action by the National Association for the Advancement of Colored People, when Mr. Adams appealed to the Association for aid. Mr. Adams owns a home in New York City, but wishing to provide for his wife and three-year-old son a residence in a less congested community, purchased a home in Palisades Park. Before closing the deal, Mr. Adams asked specifically of the real estate broker and the white owners of the house, if there would be any objection to his occupying it on the part of the neighbors. Being assured there would be no objection, the deed was consummated.

Mr. Adams and his wife were welcomed by the neighbors. Upon making preparations to move into his new home, Mr. Adams was threatened by persons living more than a mile from the house, among the threateners being several of foreign birth and a number of whom are unable to speak English. Several mass meetings were held and veiled threats were made. Fearing for the safety of his wife and child, he was at work in the Post Office at New York City, Mr. Adams appealed to the Association for help.

The Association immediately took up the matter with Governor A. Harry Moore of New Jersey, Mayor Heder of Palisades Park, and Sheriff Sherry of Bergen County. Mr. Adams was also furnished with a letter to Olive Randolph, a prominent colored attorney of Newark, who reports to the N. A. A. C. P. that as soon as Adams presented his letter he "called up the Police Headquarters in Palisades Park, the Sheriff's Office and the Office of the Prosecutor of Pleas of Bergen County, and, after much trouble, finally got a promise from the Sheriff's Office that an officer would be placed on guard at Mr. Adam's house, beginning at 5 o'clock Saturday afternoon, July 9th, the date on which Mr. Adams moved in."

Governor Moore, in a letter dated July 13 to the N. A. A. C. P., advises that he has referred the matter to "local authorities, who have entire jurisdiction in matters of this kind. Mr. Adams should present his complaint to the mayor of the town in which he lives, and where he is entitled to the same consideration as any other citizen, and I have no doubt that he will receive it."

TOWN[illegible]N N. J. DISPATC
JUNE [illegible], 1926

OFFERS HOME IN TEANECK TO COLORED FOLK

Man, Said to Have a Grudge Against Neighbors, Would Sell to 'Negroes Only'

Incensed at the action of Bridgekeeper Reiner, of the Anderson street bridge, who has offered his home in the East Oakdene avenue for sale to "colored people preferred," residents of that section last night petitioned Teaneck council to take action to prevent Reiner from carrying out his plan.

Although at a loss to determine what action the council could take the township officials appointed a committee consisting of William Fallon, Frank McGuire and Philip B. Garrison to interview Reiner and endeavor to dissuade him from his purpose.

Reports that a neighborhood squabble had led up to Reiner's action in inserting an advertisement in a local paper offering his "eight-room house for sale, reasonable, colored family preferred," could not be confirmed last night, but it was reported that Reiner has not been on friendly terms with his neighbors for some time.

The East Oakdene avenue section of Teaneck is regarded as among the choicest residential sections of the town.

HOW MEMBERS SIT IN NEW TOWN HALL ASSEMBLY ROOM

HACKENSACK N. J. EVE RECORD.
JUL 7, 1926

Much Better Plan Than In Old Cramped Quarters — Coal Bids Opened—Sidewalks On Cedar Lane Needed.

OTHER TOWNSHIP AFFAIRS

The first meeting of the Teaneck Township Committee in the new Municipal building was held last evening with all members present and the new seating arrangement as chosen by the chairman.

To the extreme right of the chairman sat the clerk and assistant clerk, and next to them sat the attorney of Teaneck, B. R. Buffett.

Then came the chairman, Mr. Bodine, and on his left sat the finance chairman, W. T. Salmon, who had F. McGuire on his left, the latter being the treasurer, and then on the extreme left sat Chairman of Roads Garrison and then the police commissioner, Mr. Lewis.

The table for the newspaper representatives is placed in the center of the railing on the floor of the hall, and is a great improvement over the arrangement at the old hall.

The first act was the approval of the minutes of the last meeting, and then the clerk read the following letters, the first being from the Public Utilities Commission regarding a request for a bus permit by a line that will operate from Teaneck to Jersey City, a public hearing to be held on July 11 at the rooms of the commission in Newark at 11 a. m.

A letter from Reis & Reis, realtors, asked that they be given an adjustment on a tax bill made out to them as they are not the owners of the two lots charged to them. The request was referred to the Finance and Tax departments.

A notice of the withdrawal of the insurance on the life of Michael Cancro was served on the committee in a letter from the Connecticut General Life Insurance Company, and a check from them for the unearned premium was enclosed. The matter was given to the police commissioner, Mr. Lewis, for further action.

BUILDING PLANS FILED.

The building inspector for District One was read showing that during the month of June he had been presented with building plans calling for the expenditure of $99,550, and the report was accepted. The report for the second district was a little larger as buildings to cost $185,900 were submitted on plans and recommended for acceptance.

The Board of Education asked that the improvement of Cedar lane include the laying of sidewalks for the safety of the children who must use that county road to get to their school on the south of Cedar lane from their homes on the northern side of that highway.

It is recalled that the ordinance for the improvement of Cedar lane after the laying of the sewers was to include a sidewalk on the northern side for pedestrians. The matter was handed the engineering department for action.

A petition was read from several residents of Glenwood Park who made objection to the advertising of a house on East Oakdene avenue for sale preferably to colored people by Henry Reiners, who is living at the house at the easterly side of the Anderson street bridge. According to the advice of counsel there was nothing the committee could do to prevent the owner from selling to anyone he chose. In order to see if anything was to be gained from interviewing Mr. Reiners the chairman appointed a committee to wait on him tonight, composed of Committeemen Salmon, Garrison and McGuire.

BIDS FOR COAL SUPPLY.

Bids were read from some coal companies for the thirty tons needed to heat the new Municipal building during the coming winter. The Teaneck Coal and Lumber Company offered to supply the needed coal of Lehigh standard at a cost of $14.50 per ton, the Highwood Coal Company offered to supply stove coal at $13.50, not giving the name of the brand of coal to be supplied. The West Englewood Coal and Supply Compaany offered to supply hard coal at $14.75 per ton, and these bids will be considered at the meeting on Thursday evening.

A letter from Attorney B. R. Buffett was read announcing that the suit brought by A. N. Jordan as trustee for an estate had been lost in the Circuit court as the damages claimed were not proven.

The clerk was advised to select a date for the public hearing on the assessment figures on the improvement of Farrant terrace. The date will be published in this paper on Friday of this week. This concluded the reading of communications.

The committee then took up the reports of standing committees, the first being from the Fire committee, under the jurisdiction of Mr. McGuire. His report included the request of two fire companies for the changing of the official lists of active firemen, and the appointment of new men in the places of those who were dropped for failure to respond to alarms or attend drills.

The chairman of the Road department recommended that the bids received last week for the improvement of Garrison avenue be all thrown out as they were higher than should be, and he wished to have the Township Committee thereby serve notice on all contractors that high bids in the future will not receive consideration at the hands of the committee.

POLICE ACTIVITIES.

The monthly report of the Police committee showed thirty-seven arrests, seventy-seven complaints received and investigated, two missing persons reported and found, thirteen dogs licensed, seventeen impounded, one dog shot as being rabid, two fires, and one case of a person bitten by a dog.

The report of the Recorder for the month showed that $253.75 had been collected in fines with costs of $28.50. Remittance of $150 of the fines was shown by check to the Motor Vehicle Department of the State. The balance having been collected at the close of the month, and not included in the remittance as of June.

The chairman called for any objections to the hearing on the sewer ordinance for West Englewood square, and as no one made a protest the hearing was closed, and the ordinance was given its second and then the final reading and was passed as a whole, and will be found in this paper on Friday of this week.

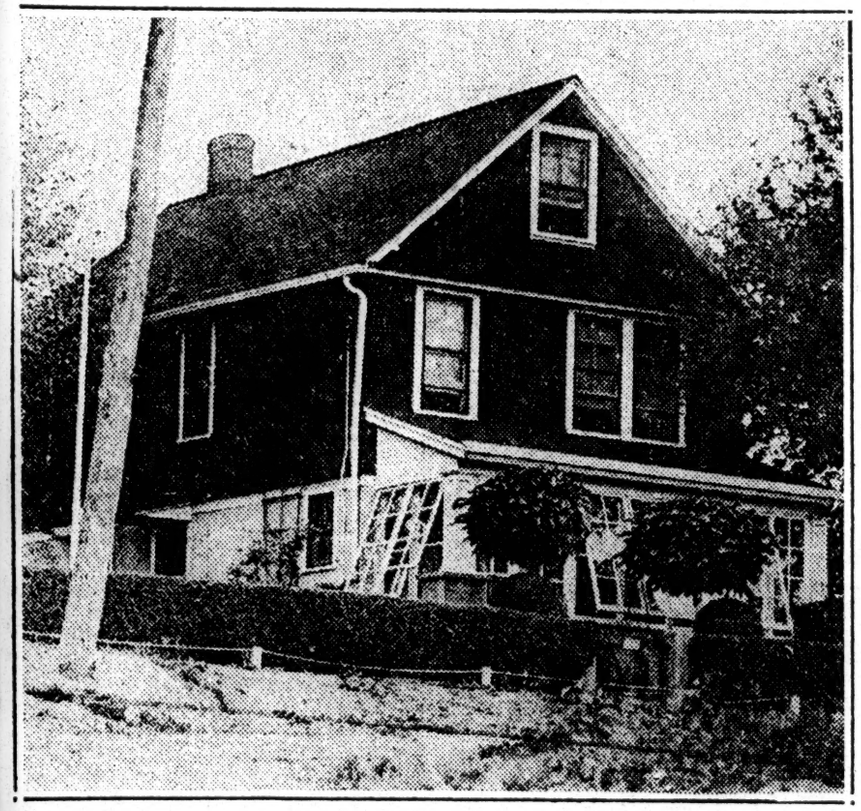
W. T. Salmon, Finance chairman, reported a finance sheet of $154,106.47, which was passed by the committee.

Segregation - 1926

New Jersey.

TOWN OF UNION N. J. DISPATCH
June 18, 1926

Where Race Prejudice Was Started



Palisade Park House to Negro Family.

Race Prejudice is Rife Since Negroes Moved In

Race prejudice, a new emotion to the residents of the quiet little borough of Palisades Park, has hold in the community today, and but for the restraint exercized by [illegible] and the pledge they exacted that no violence would be attempted, the situation brought about by the invasion of a colored family into a white neighborhood, might easily become serious.

At present, content with mutterings and the social ostracism of their new neighbors, the residents of Palisades Park in general, and Brinkerhoff avenue in particular, are taking no active steps against William Adams and his family, colored, of New York, who took possession of the Heidel home at 128 Brinkerhoff avenue, Saturday. They are determined, however, to exhaust every legal means at their disposal before admitting that the Adams family will remain in the street permanently.

In the meantime, the Adams family is retaining possession of its new home, keeping aloof from all neighbors and staying, as much as possible, within its confines of the property. They have defied the adjacent property owners, who demanded during the course of a public meeting in the borough hall Friday, that they leave the neighborhood. They have indicated that an offer of $12,500 for their new home would be accepted.

The home which the Adams family purchased, as they claim, under the impression that other colored families were in the neighborhood, is by far the most attractive and best kept house at that end of the street. A tall, well kept hedge, surrounds the lawn, while boxed trees and other decorative plants abound. The house itself is well kept and attractive.

Behind a gate on which a "Beware of the dog" sign is posted, a path leads to the glassed-in front porch. Yesterday, a reporter for The Dispatch, approaching the house, was met by a good-natured though noisy Airdale, who seemed to belie the "beware" sign, and carried, in addition to his hospitable disposition, a strong muzzle, which would prevent his interferring with callers.

After hinging the bell, the reporter was surveyed from within by Mrs. Adams, already apprized of a visitor by the barking of the dog. She regarded the caller with suspicion until he made known his mission. She answered questions, however, but did not volunteer any information.

"Have the neighbors molested you in any way?" she was asked.

"No, we have had no trouble whatever," she replied.

"Do you intend to remain here?"

"Yes. We don't anticipate any trouble whatever."

While criticism of Mrs. Ada Heidel, former owner of the house, is widespread in Palisades Park, there are some who support her in her sale of her home to negroes.

Among these friends it is claimed Mrs. Heidel has made frequent annual petitions to the Palisades authorities to fix the end of Brinkerhoof avenue, where her home was located. For five years the proposed improvements have been agitated, it is claimed, without response from borough officials.

The street, which is evidently in an all but impossible condition, is totally impassible in heavy rans, it s claimed, and for this reason the property could not be profitably disposed of to a white family.

Houses adjoining the Adams place, display "for sale" signs in their windows, but those who own the places declare they were placed there before the Adams family entered the neighborhood.

Mrs. Adams, when asked whether the "Beware of the dog" sign had been posted by her, declared it was left there by Mrs. Heidel when she moved. Mrs. Heidel, according to Mrs. Adams, also left the airdale for the protection of the new buyers.

Segregation—1926

New York.

FIGHT SEGREGATION OF NEGROES IN CITY

Real Estate Man Cites Conditions in Bronx—Appeals to Churches to Condemn Oppression.

Saying that it was almost impossible for a negro to purchase or rent property in a desirable location in the Bronx, Eugene McIntosh of the negro real estate firm of E. McIntosh of 330 East 165th Street, in a letter sent yesterday to 165 pastors of all Christian denominations in the borough, asserted that this was a form of oppression which called for the condemnation of Christian churches.

No matter how upright or respectable the negro, says the letter, he is unable to rent or buy property in the Bronx except in a neighborhood already predominantly inhabited by colored people. Such neighborhoods, the letter goes on, "are but ghettos and most of the houses and tenements in them have been long ago vacated by white people because of unsanitary conditions."

Asserting that there seems to be a general understanding not to rent or sell property to a negro except in a negro district, the letter continues: "As a Christian, it seems to me that oppression, no matter where or against whom, ought to have the attention of the Christian church and that the silence of the church upon these and other oppressive conditions heaped against the colored people, which are commonly known to exist not only in the Bronx but throughout the country, and the churches' own policy of circumscription for the colored man, are not only incompatible with true religion, but give aid and consolation to the oppressors."

Saying that attempts might be made to dismiss the complaint by declaring that negroes depreciate property, the letter concludes by asserting that the truth is that race segregation "is its own generator of hate and depreciator of property."

ASKS CHURCHES TO FIGHT SEGREGATION

(By the Associated Negro Press)

New York, Oct. 18.—Claiming that oppressive forms of residential segregation are so prevalent that Negroes can neither purchase a[t] Christian churches of the Bronx, suggesting that the ter Friday to the 165 pastors of local real estate firm, sent a letlocation, Eugene McIntosh, of a nor rent property in a desirable churches unite in condemning th practice.

"No matter how upright or re spectable the Negro," says th letter, "he is unable to rent or buy property in the Bronx except in a neighborhood already predominently inhabited by colored people. Such neighborhoods are but ghettos and most of the houses and tenements in them have been long ago vacated by white people because of unsanitary conditions.'

Asserting that there seems to be a general understanding not to rent or sell property to a Negro except in a Negro district, the letter continues: "As a Christian, it seems to me that oppression, no matter where or against whom, ought to have the attention of the Christian church and that the silence of the church upon these and other oppressive conditions heaped against the colored people, which are commonly known to exist not only in the Bronx but throughout the country, and the churches' own policy of circumscription for the colored man, are not only incompatible with true religion, but give aid and consolation to the oppressors."

Saying that attempts might be made to dismiss the complaint by declaring that Negroes depreciate property, the letter concludes by asserting that the truth is that race segregation "is its own generator of hate and depreciator of property."

ASKS PASTORS TO FIGHT JIM CROW HOUSING

Church Must End Evil, Says New Yorker

Saying that it was almost impossible for a member of the Race to purchase or rent property in a desirable location in the Bronx, a Harlem real estate firm, in a letter sent recently to 165 pastors of all Christian denominations in the Bronx borough, asserted that this was a form of oppression which called for the condemnation of Christian churches.

No matter how upright or respectable he may be, the letter says, a member of the Race is unable to rent or buy property in the Bronx except in a neighborhood already predominantly inhabited by the Race. Such neighborhoods, the letter goes on to say, "are but ghettos and most of the houses and tenements in them have been long ago vacated by white people because of unsanitary conditions."

Asserting that there seems to be a general understanding not to rent or sell property except in a segregated district, the letter continues: "Oppression, no matter where or against whom, ought to have the attention of the Christian church and the silence of the church upon these and other oppressive conditions heaped against the Race people, which are commonly known to exist not only in the Bronx, but throughout the country, and the churches' own policy of circumscription for the Race man, are not only incompatible with true religion, but give aid and consolation to the oppressors."

The letter concludes by asserting that the truth is that race segregation "is its own generator of hate and depreciator of property."

Segregation – 1926

BROOKLYN STANDARD UNION
MARCH 19, 1926

FLUSHING HOMES MADE OF PAPER, LAWYER CHARGES

Seven Negro Buyers Bring Action Against Flushing Lawn Corporation—Name Queens Officials.

"I could chew the whole house down in a month," declared Attorney Rufus Perry in commenting on the structure of the houses of seven negro clients in Flushing yesterday, who allege that the homes they purchased from the Flushing Lawn Corporation, of which Joseph Feldman, of Flushing, is the head, were untenantable.

Attorney Perry made startling charges concerning the Queens Building Bureau. He declared that the Building Bureau approved of an amendment to plans for dwellings already under construction which permitted the use of two by four-inch rafters and floor beams, although the original plans shown to the present owners called for two by six-inch supports.

The charges were made when Attorney Perry examined Superintendent John W. Moore, of the Queens Building Bureau, under an order he obtained in the Supreme Court at Brooklyn last week. The order required the superintendent to produce the plans and specifications for the dwellings. The examination will be continued next Monday.

Attorney Perry said that his move in examining the superintendent was to determine which officials in the Queens Building Bureau are responsible for the approval of the homes of his clients, which, they allege, have paper roofs and paper sheathing. The dwellings have been declared unsafe and a danger to human life by the Fire Department and the Eagle Insurance Company, according to Attorney Perry.

May Name Officials.

He also declared that these officials will be made co-defendants in an action which he has filed against the Flushing Lawns Corporation and the Rockville Centre Lawn Corporation and Samuel Feldman, an official of the company, who built the houses. Suit has been started by five Flushing men to be reimbursed for the money they paid for the houses, or to have the builders reconstruct the houses according to the original plans shown them by the builders when they contracted to purchase the dwellings. The seven litigants, who are represented by Attorney Perry in the action, are Charles V. Ritchie, 7131 168th street; Fred E. Ramsey, 7111 168th street; Caribel Mathias, 167-14 Seventy-first avenue; Thomas Marshall, 7119 168th street, and Annie Burnett, 7115 168th street, all of Flushing.

In the petition filed by Charles Ritchie to obtain an order to compel Superintendent Moore to produce the original plans, he charges that he was told by Feldman on Feb. 4 last when he agreed ot purchase a house for $6,000, that the house would be covered with asbestos shingles and the sides diagonally sheathed or stuccoed. He says that he was promised a leak-proof cellar and the house would be constructed of fireproof material by Feldman. He says that when the house was finished that instead of being constructed with board sheathing, it was made of "nothing but paper." He says that when he contracted to buy the house that nothing had been done but the excavating of the cellar, and that he moved into the house on Nov. 28, before it was completed. He alleges that, contrary to the building laws, the cement blocks used in the construction of the cellar were hollow under the ground. He charged that despite these conditions that Inspector James Coleman of the Queens Building Bureau had given his official approval to the house.

He charged that when a sudden gust of wind slammed the knob of his front door against the side of the house which he charges is made of paper that the knob knocked a hole in it. He fears that numerous stray goats that wander about the neighborhood are liable to chew his house up.

Walls of Paper.

A fire broke out in the side walls near the chimney in the kitchen of his home, in June last, he declares because the material of which the walls are constructed were unable to resist the heat of the chimney and ignited when a fire was lighted in the stove.

Superintendent Moore said after the examination yesterday that if the builders did not repair the houses he would take the matter to the criminal courts.

Attorney Perry declared that he tore a piece off the house and chewed it and said he believed that he could chew the whole house up in a month, in commenting on the condition of the building after the examination. He hinted that if the facts, which he expects to obtain, warrant it he will bring the matter to the attention of District Attorney Richard S. Newcombe, of Queens.

New York.

BROOKLYN N. Y. CITIZEN
MARCH 19, 1926

COLORED HOUSE OWNERS SUE REALTY CONCERN

Flushingites Say Construction Company Did Not Keep Agreement

John W. Moore, Superintendent of Buildings in Queens, was subjected to questioning yesterday by Rufus Perry, negro attorney, in connection with the construction of a number of houses purchased by negroes in Flushing from the Flushing Lawns Corporation, the Rockville Lawns Corporation and Samuel Feldman.

The hearing was before Supreme Court Justice MacCrate, in Long Island City, and was authorized last week by the Supreme Court in Brooklyn. The plaintiffs, all negroes, are Charles V. Ritchie, No. 1731 168th street; George and Annie Burnette, No. 7115 168th street; Frederick E. Ramsey, No. 7111 168th street; and Claribel Matthias, No. 167-14 Seventy-first avenue, Flushing, Queens.

It is alleged by the complanants, who have indicated their intention of bring suit for damages against the Construction concerns and Feldman, that certificates of occupancy were signed by city officials before the houses they had purchased were inhabitable as per the original plans. Faulty and dangerous construction are complained of.

The hearing yesterday, which is to be continued next Monday, revealed that Plan Examiner Mitcheal O'Donahue had examined the plans and Inspector James Coleman had made an inspection of the buildings.

Superintendent Moore testified that when his attention was called to the matter some time ago he conferred with the builders who promised to substitute asphalt shingles for the roofing on the bulidings. The builder said it would take a little time to make the substitution and Superintendent Moore urged all haste posible. In the meantime foreclosure proceedings were begun.

Police Guard Is Withdrawn From The Brown Home

Staten Island Family Home Guarded Since July Last Against White Mobbery

The withdrawal on Sunday, April 11, of the police officer who has been stationed on guard at the home of Samuel H. Brown, 67 Fairview avenue, West New Brighton, Staten Island, since July 18, 1925, following an attack by white neighbors who objected to the coming into that neighborhood of a colored family, has stirred protests from Mr. Brown and his friends.

The posting of a police guard at the Brown home followed several attacks by white mobs, during which the building was stoned and windows smashed, and much damage done to the shubbery and grounds. Several leading whites of the community are under indictment by the grand jury on charges of conspiracy in connection with these attacks. The officer posted to guard the premises was on duty from 4 p. m. to 8 a. m. daily.

Both criminal and civil cases growing out of the mob onslaughts are pending and Mr. Brown declares that his property should be accorded full protection by the authorities until these cases have been tried and settled. Mr. Brown is a mail carrier and Mrs. Brown is a teacher in the public schools on Staten Island, and both were threatened with bodily hurt after they had moved into this new home in the Castleton Hill section.

The suggestion has been made that a volunteer guard may be posted by friends of the Brown family in case the police guard is not restored.

New York Age
4-1-26
New York

White Southerner Takes Issue With Segregation Editorial In The Age

Editor of The New York Age:

I read your editorial concerning segregation as printed in "Our Colored Missions" of a recent date. I reside in a state where segregation prevails. Your description of states where segregation prevails does not tally conform with the condition of colored people down here in Texas. Your observations are undoubtedly taken from observations in a southern state poor in resources, a God-forsaken section of some southern state.

I have especially observed the treatment of Negroes in this city and in nearby towns. The Negroes have nice school buildings, well ventilated, neat, sanitary, etc. The rail road cars are of good condition, clean, sanitary, i. e., those used within the scope of my observation. The street cars operated here on lines which serve mostly colored people are modernly equipped, clean, well ventilated and neatly painted.

I wish to state that the Negroes hereabouts do not live in huts in utter poverty. The Negroes for the most part are as well off financially as the average working white. On the whole, the Negroes of this section of the South are not treated, nor are they in the poor condition which your editorial describes.

I write today mostly to describe the conditions of Negroes as I observe. Observations, of course, must be made over a vast area. The two extremes must be seen. Now we both have seen the extremes of the Negro question in the South. Do you still hold that the Negroes are not well treated in the South? I do not.

I think the Negro is as well treated as any human being of his class and development can be. Segregation may after some years be abolished in the South, but not yet. The Negroes would get swell heads and we southerners would not be able to live here with them.

Remember that northern states have fewer Negroes and always have had. They have not had the colored problem to contend with. So many uneducated colored people were not thrown upon the northern populace to be educated, to be made good and useful citizens. You, as a northerner, should consider such facts as these. You as a well educated and thinking man should praise the good work of the south for the Negro and encourage such works—not knock the South and show the dark side of the picture in your editorials.

A. FRANK JR.
2520 Leona St., Houston, Tex.

Home Development For Negroes Changed To White Community As Builders Cannot Get Mortgages Placed With Investors

The development of Sprain Ridge Park by the Paterno-Morales Building Corporation for colored home owners has been brought to an abrupt stop by the refusal of financiers to take mortgages on the property, the refusals being absolutely on the ground the development was for colored people.

Caleb T. Morales, original promoter of the proposition has given three and a half years to the proposition, during which time practically all of the lots were sold to a selected clientele of prospective home owners. Fourteen houses have been completed, two of which were occupied by their owners. The original working capital of $175,000 was augmented by an additional $50,000, a total of $225,000, all of which has been put into the development. The buildings already completed, are 6-rooms, one and two family houses, with tiled bathrooms, parquet floors, open fireplaces, heat, hot and cold water, gas and electricity, and a firproof garage to each house.

The building corporation estimates its equity in the fourteen houses already constructed at $141,000, and the mortgage money sought for was necessary to enable them to go forward with further development and construction.

Mortgage Money Refused

Applications to the Metropolitan Life Insurance Co., the Westchester Lawyers' Title and Trust Co., the New York Title Co., The Prudential Life Insurance Co., and to many banking institutions, are alleged by Mr. Morales to have met with consistent refusals, and that in every case the refusal was because the property was intended for colored occupancy. This, he asserts, is borne out by the fact that on other properties developed for white occupancy there had been no difficulty in placing the mortgages.

Besides the mortgage difficulties, other hindrances have had to be overcome, says Mr. Morales. Political intrigue created zone restrictions, interfered with supply houses to the extent of attempting to seriously impair the company credit, created labor disturbances among the company's employes, and other aggravating conditions. These combined obstacles were more than Mr. Morales and his associate, Anthony J. Paterno, could overcome, and to save themselves from financial disaster, including bankruptcy, the company has been compelled to forego its original plans and to change the property into a development for white occupancy.

An Ideal Location

Sprain Ridge Park is ideally situated on the Sprain Brook and Odell Parkways, both of which pass through the property, branches of the $18,000,000 Westchester Parkway System. It is 300 feet above sea level, twenty-five minutes from Harlem, accessible by train, trolley or motor, with ample transit facilities. It is believed that after Mr. Morales had given so largely of his time, effort and money to the development of a choice and desirable residential improvement for colored homeseekers in convenient proximity to Yonkers and New York City, that certain whites exerted influences that succeeded in preventing Mr. Morales and his associates from consummating their plans.

The statement is made by Messrs. Morales and Paterno that all of their colored clients who bought lots in the development, and who have kept up their contracts, will receive back every penny they have paid in. The two homes which were occupied by clients have been bought back by the company, and many who were paying for lots and houses have already been reimbursed.

With a prospective white tenancy it was made plain to Mr. Morales that there would be no trouble in placing the mortgages, and to save himsilf and associates from absolute financial disaster this course will now be pursued.

At the same time, states Mr. Morales, he has given up the idea of creating a desirable and convenient residential development for occupancy by a select group of colored families.

Kearny's Race Problem

(From the Newark Call.)

While one may be in hearty sympathy with those residents of Kearny who so strenuously object to what they regard as an attempt to establish a colony of colored people in their neighborhood, it is more than doubtful if the action of the town council in revoking the building permit that had been granted will be upheld by the courts if the matter is tested.

There is no attempt to offer any other reason for revoking the permit than to prevent the intrusion of colored people into an exclusively white neighborhood. In other words, the objection is based entirely upon the question of color. The first section of the Fourteenth Amendment to the Federal Constitution provides that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Obviously it is not within the power of a subdivision of a state to do that which the state is forbidden to do. When a person is denied a building permit for no other reason than because of his color there can be no question but that his privileges as a citizen are abridged and that he is denied equal protection of the laws. A permit that could not legally be denied a white citizen cannot legally be withheld from a colored citizen.

Apparently the only safeguard is to be found in covenants embodied in real estate conveyances restricting ownership to white people. We believe that in a District of Columbia case such covenants have been upheld. The desire of respectable and prosperous colored people to live in decent neighborhoods and amid seemly surroundings is laudable and deserves to be encouraged, but those members of the race are unwise who endeavor to gratify their ambitions by intruding upon highly developed and thickly populated neighborhoods exclusively occupied by white people and where their presence is bitterly resented.

Whether the Ku Klux Klan was responsible for the letter threatening bodily harm and even death to those supposed to be responsible for the alleged invasion, or whether the Ku Klux mask was adopted to disguise the authors, is uncertain, but in either case it deserves only condemnation. No matter how strong local feeling may be there can be no excuse for violence.

NATION EDITOR GOES AFTER SOUTHERNERS

NEW YORK, N. Y., July 20.—(A. N. P.)—In an editorial in the July 14 issue of the Nation, this editor essays "to set right" those Southern editors who have endeavored to interpret the recent clashes between the races in the North as indications that the "Negro fares harder," in this section and should remain in the South.

Concerning these outbreaks the editor points out that "there was no lynching in any of these riots and no unpunished demonstration of white lordship. It might well be argued that these riots were less signs of Northern brutality than of Negro health. Where in the South would a Negro dare to move into a white community? In the North he moves in, defends himself against white violence, and if he loses the fight he has a chance of winning before the law, as did the Sweets in Detroit.

FIERY CROSS GREETS NEGRO

Blaze Appears Just After Moving Into La Salle (N. Y.) District.

LA SALLE, N. Y., July 17 (AP).—A few hours after Richard Walker and his family, negroes, took up their residence at 309 Elizabeth Street here today a cross was burned in their yard. Firemen were called to extinguish the blazing cross. The police have begun an investigation.

The burning of the cross was considered as a protest against the negro [illegible] the neighborhood

Spaniards And Porto Ricans To Fight Segregation

NEW YORK.—(FNS)—At a mass meeting in the Harlem Casino, Lenox avenue and 116th street, the Porto Rican and Spanish speaking peoples of Harlem formed an alliance to combat the assaults being made upon them by the older Harlem residents.

The cause of the clash with residents in Harlem on the Porto Rican and Spanish people that have recently entered the district is due to the bitter competition between the Spanish and Jewish merchants.

A Fiery Cross Greets Dwellers

When They Move Into White Neighborhood, Town Of La Salle, N. Y.

LASALLE, N. Y., July 24—Within a few hours after Richard Walker, prominent colored business man and his family, took up their residence at 309 Elizabeth street, a white neighborhood, here Saturday a huge cross was burned in their yard. Firemen were called to extinguish the blazing cross. The police conducted an investigation with little results.

The burning of the cross was considered the work of Klansmen. The coming of the colored family in the neighborhood had been resented by the whites.

Segregation—1926

Ohio

MOB BOMBS GARVIN'S HOME

Cleveland, Ohio, Feb. 5.—While a dozen women, leaders of Cleveland society were being entertained at an evening card party given in the home of Dr. and Mrs. Charles Garvin, 11114 Wade Park Ave., last week, a home-made bomb planted by a white mob exploded with a roar that startled residents for blocks around, threw the party into confusion and tore out a corner of the luxurious Garvin home.

The tinkle of breaking glass sounded for several minutes after the first deafening detonation.

The force of the explosion was felt even in the house on the adjoining estate, where windows were shattered. Passersby who rushed to the scene of the disaster refused for several minutes to believe that no one had been killed.

Dr. Garvin, who had just been honored with appointment to the hospital staff of Western Reserve university as assistant surgeon, was attending a professional meeting in the downtown district at the time which the mob chose for its attack.

Police Guard House

Police who were sent hurrying to the bombed house under Capt. J. F. Blizil were told that six men were seen fleeing the scene. Four ran west on Wade park and two scurried east. Bricks from the foundation were found lying near the house, mingled with pieces of tin which police believed came from the can that held the explosive.

Detective Lieut. Frank Story attributed the outrage to the same "intimidation" tactics which had ealier led to spraying the house with black paint and to the painting of K. K. K. signs. A police guard was stationed at the house for the rest of the night.

The attempt on the lives of Mrs. Garvin and her guests, who included the wives of some of Cleveland's leading professional and business men, marked the climax of a series of desperate efforts to drive the physician from the luxurious home which he has erected in one of Cleveland's exclusive neighborhoods.

Whites Organize

When the house was under construction last summer white property owners in what is known as the Wade allotment formed an organization whose sole purpose was to keep Dr. Garvin from moving into their neighborhood. At a mass meeting staged by this organization every scheme from bartering to violence was considered and negotiations were opened with Dr. Garvin to oust him and to prevent other persons of Color from gaining a foothold in the district.

A similar situation in the desirable Shaker Heights neighborhood arose at about the same time, and feeling became so intense that the chamber of commerce appointed a committee to study the housing situation. The committee is about to render its report.

Three weeks ago Dr. and Mrs. Garvin returned to their home to find the letters "K. K. K." painted on the side of the house. Vice President W. E. MacEwen of the National Refining company, who formerly lived next door, moved to the

HOME OF CLEVELAND DOCTOR IS BOMBED

Cleveland, Ohio, Feb. 9.—(For the Associated Negro Press.)—Cleveland has experienced her first bombing of a Negro home. The much-talked of residence of Dr. Charles Garvin on Wade Park Avenue, had a taste of that noisy experience, which for a long time was more or less common in Chicago. Whites were enraged last fall about Dr. Garvin building a $30,000 home in exclusive Wade Park allotment. They threatened. The Negro builders continued; civic organizations of both races urged discretion; the home was finished. Dr. Gavin and family moved in quietly.

A few night ago, while Dr. Garvin was attending a meeting of the socially prominent Metropolitan Club, in the parlors of the J. W. Willis establishment and Mrs. Garvin was entertaining a group of ladies at cards, there was a loud report, a shattering of windows, and a Chicago young lady visitor told the guests and Mrs. Garvin what had happened. "They have treated you to a bomb," she said quietly. "We know the sound in Chicago." The ladies went out to look. Mrs. Garvin saw several men scampering away. Dr. Garvin and the police were notified. The entire Metropolitan Club of sixty men jumped in their automobiles and hurried to the scene. They looked; it was the "work of an amateur," the police said, and the case rests there. There has been no riot; only about $150 damage was done, and the ladies returned to their cards. Nobody was frightened. Mrs. Garvin said she never felt more calm in her life. But Cleveland, black and white, is thinking, very deeply.

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The immigration committee of the Cleveland Chamber of Commerce, George B. Harris, attorney and prominent republican politician, chairman, has been several months making a survey of the effects of Negro migration on the North in general and Cleveland in particular. New York, Chicago, Detroit, Pittsburgh, Cleveland, and one or two other cities are used as a basis of comparison. The report covers some fifteen long, closely spaced typewritten pages, and it covers every subject of migration "from the cradle to the grave." The committee, for the most part, has been eminently fair, but in the summary was inclined to take the position of the late President Harding in his Birmingham address, but more conservative members of the committee saw to that being knocked out.

The committee takes the position that the coming of the Negro hordes has produced a real problem in all American cities North, and there is only one thing to do; tackle it and adjust it, along the lines of equal and exact justice. This solution must come, not from the white people alone, but in conjunction with the best minds among Negroes, and it's a long, long job. Housing, health, crime, labor, economic necessity, education and other kindred subjects are among those discussed with frankness, backed with statistics, and an element of fairness, calculated to make even a "dumb Dora" think. The committee takes the position, further, that the maximum of absorption has just about been reached, and the next step is to petition the President and Congress to gradually let down the bars of immigration.

SECOND ATTEMPT TO BOMB GARVIN HOME IS FOILED

(By The Associated Negro Press)

Cleveland, Ohio, July 14.—Cleveland's chief of police, Jacob Craul, was injured in the investigation which followed the foiling of the second attempt to bomb the newly-built home of Dr. C. H. Garvin in the exclusive Wade Park District. Garvin's white neighbors object to his residence. The first bombing occurred January 30, last.

One morning this week, Dr. Garvin discovered a tin can, one foot high, and eight inches in diameter, sealed across the top with tar, on his front porch. He notified the police department and expressed his fears. The fuse of several feet in length which was attached to the can, was found by police to be defective.

Chief Graul first took the tin can to the city chemist's office for a test, but the chemists refused to touch it. Later workmen for a powder company refused to handle it. So Graul decided to find out himself whether it was a real bomb.

He went to the lake front, put the bomb in a box and floated it about 40 feet off shore. First he shot at it with a .22-calibre target pistol, but nothing happened. Then he fired with his .38 pistol. At the first shot a geyser of water shot eighty feet in the air. Graul and two other policemen were knocked down by the concussion. The chief's head was cut in several places by fragments from the bomb.

Bombing of Cleveland Doctor's Home Brings City Into Limelight. Prejudice Grows as Race Tries to Make it Nationally Popular.

(By Nahum Daniel Brascher)

(A. N. P.)

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Cleveland Retains Social Poise While Meeting Issue

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The Negro Business Association, hosts of the League, H. S. Chauncey, lawyer-banker, President, with H. E. Murrell, banker-business man, chairman of the conventions committee, are negotiating with the Playground Association, New York, to obtain the services of Mrs. Dora Cole Norman to put on her famous "Loyalty's Gift," as a preliminary agent leading up to the League. W. R. Connors of the Negro Welfare Association, attending the Urban League Conference in New York has been given authority to get full information for the arrangements The event, if held, will take place in Public Hall, which seats some 12,-000 people, and will be community wide in interest, with a cast of more than five hundred.

It is further advocated that the Exposition end of the Business League be one of the real features this year, and that the entire exposition be centered around the development in Housing among Negroes in America, and the relation of this to general business development. Cleveland has made some marvelous developments in housing, some of the most beautiful homes in the country are located here. There are no less than four interesting surburban locations that are developing splendidly, and a new one, "Havenrest," has been proposed for this year, in a desirable location between Cleveland and Akron, the rubber town.

Dr. Russell Brown, Mt. Zion Temple

Cleveland, like other cities, advance with churches, and religion. Colored America believes in churches, and religion—even though white hypocrisy has produced a large school of cynics. St. James A. M. E. Church has just dedicated a beautiful place in Cedar Avenue, Bishop J. H. Jones, preaching the opening sermon. Mt. Zion Congregational Temple has given a welcome to her new pastor, Dr. Russell Brown, of Atlanta, nationally known, and he promises to become a real factor in the community life of the Fifty City.

The Phyllis Wheatley Association, the marvelous Miss Jane Hunter, Executive Secretary, held its annual meeting in Technical High School. There were three thousand people out; it was no dry event. There was chorus, glee club, and quartette singing; there was band and orchestra, and a beautiful operetta, and the quiet announcement by the chairman of the board that over $200,000 of the pledges for the new home has been paid in, and there will probably be ground-breaking in the spring, with a possible cornerstone laying during the session of the Business League.

ZONING IS UPHELD BY SUPREME COURT

Delimiting Business and Residence Districts Is Likened to Regulation of Traffic.

OHIO VILLAGE WINS APPEAL

Decision Against Realty Injunction Important to New York and Other Cities.

Special to The New York Times.

WASHINGTON, Nov. 22.—The right of municipalities to enforce the zoning of business and residence property was sustained today by the United States Supreme Court. The judgment will have an important bearing in New York and other large cities where questions relating to zoning have arisen.

The court pointed out that some provisions of zoning regulations may be found clearly arbitrary or unreasonable when applied in certain circumstances. But, it was maintained, relief might be sought in such cases without attacking the regulations in their entirety or the constitutionality of the laws upon which they were based. Three members of the court—Associate Justices Van Devanter, McReynolds and Butler—dissented, but did not file their views in written form.

The case came to the court on appeal by the village of Euclid, a suburb of Cleveland, Ohio. The Federal court for the Northern District of Ohio, on pany, and held that the zoning ordinance passed by the Village Council was void and enjoined its enforcement.

The village had classified the realty company's holdings as residential lots, whereas the company wanted them zoned as business lots. The company asserted that its property was worth $10 000 an acre if used as business sites, but not more than $2,500 an acre for residential purposes. It contended that the ground was more suitable for business uses.

The realty company assailed the ordinance on the ground that it was in derogation of Article 1 of the Fourteenth Amendment to the Constitution, in that it deprived the concern of liberty and property without due process of law and, further, that it denied the equal protection of the law.

Advantages of Segregation.

The Supreme Court suggested in its opinion that segregation of residence, business and industrial buildings increases the security of home life, tends to prevent street accidents, especially to children; decreases noise and other conditions which produce or intensify nervous disorders and preserves a more favorable environment in which to rear the young. It suggested a menace in the advance of the apartment house into districts that might be reserved for individual dwellings. It suggested that in some circumstances apartment houses "come very near to being nuisances." It justified the zoning system as analogous to regulations governing traffic on city highways.

While no direct reference was made to New York, the Court pointed out that there was no difference of opinion as to the validity of laws fixing the height of buildings.

The Euclid Village ordinance defined the residence zone as one restricted to single-family dwellings, public parks, water towers, electric railway passenger stations and rights of way, and farming and non-commercial greenhouses, nurseries and truck gardens. The Court pointed out that this does not specifically authorize schools, churches or apartment houses.

"Building laws are of modern origin," the Court said. "Regulations, the wisdom, necessity and validity of which, as applied to existing conditions, are so apparent that they are uniformly sustained, a century ago, or even half a century ago, probably would have been rejected as arbitrary and oppressive. Such regulations are sustained, under the complex conditions of our day, for reasons analogous to those which justify traffic regulations, which before the advent of automobiles and rapid transit street railways, would have been condemned as fatally arbitrary and unreasonable.

"In this there is no inconsistency, for, while the meaning of constitutional guaranties never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within the field of their operation. In a changing world, it is impossible that it should be otherwise.

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"The ordinance now under review and all similar laws and regulations must find their justification in some aspect of the police power, asserted for the publoc welfare. The line which in this field separates the legitimate from the illegitimate assumption of power is not capable of precise delimitation. A regulatory zoning ordinance which would be clearly valid as

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Gesture of Business Preparation

Cleveland is honored. Two of the most famous and largely attended conventions in America, are to be here in August. One is the National Negro Business League, which has never been in Ohio before; the other the National session of the Elks of the World, which met here some ten years ago. Both promise to bring remndous crowds and Cleveland, both groups say, all will be in readiness when the big days come.

The Negro Business Association, hosts of the League, H. S. Chauncey, lawyer-banker, President, with H. E. Murrell, banker-business man, chairman of the conventions committee, are negotiating with the Playground Association, New York, to obtain the services of Mrs. Dora Cole Norman to put on her famous "Loyalty's Gift," as a preliminary agent leading up to the League. W. R. Connors of the Negro Welfare Association, attending the Urban League Conference in New York has been given authority to get full information for the arrangements. The event, if held, will take place in Public Hall, which seats some 12,000 people, and will be community wide in interest, with a cast of more than five hundred.

It is further advocated that the Exposition end of the Business League be one of the real features this year, and that the entire exposition be centered around the development in Housing among Negroes in America, and the relation of this to general business development. Cleveland has made some marvelous developments in housing, some of the most beautiful homes in the country are located here. There are no less than four interesting surburban locations that are developing splendidly, and a new one, "Havenrest," has been proposed for this year, in a desirable location between Cleveland and Akron, the rubber town.

Dr. Russell Brown, Mt. Zion Temple

Cleveland, like other cities, advance with churches, and religion. Colored America believes in churches, and religion—even though white hypocrisy has produced a large school of cynics. St. James A. M. E. Church has just dedicated a beautiful place in Cedar Avenue, Bishop J. H. Jones, preaching the opening sermon. Mt. Zion Congregational Temple has given a welcome to her new pastor, Dr. Russell Brown, of Atlanta, nationaliy known, and he promises to become a real factor in the community life of the Fifty City.

The Phyllis Wheatley Association, the marvelous Miss Jane Hunter, Executive Secretary, held its annual meeting in Technical High School. There were three thousand people out; it was no dry event. There was chorus, glee club, and quartette singing; there was band and orchestra, and a beautiful operetta, and the quiet announcement by the chairman of the board that over $200,000 of the pledges for the new home has been paid in, and there will probably be ground-breaking in the spring, with a possible cornerstone laying during the session of the Business League.

ZONING IS UPHELD BY SUPREME COURT

Delimiting Business and Residence Districts Is Likened to Regulation of Traffic.

OHIO VILLAGE WINS APPEAL

Decision Against Realty Injunction Important to New York and Other Cities.

Special to The New York Times.

WASHINGTON, Nov. 22.—The right of municipalities to enforce the zoning of business and residence property was sustained today by the United States Supreme Court. The judgment will have an important bearing in New York and other large cities where questions relating to zoning have arisen.

The court pointed out that some provisions of zoning regulations may be found clearly arbitrary or unreasonable when applied in certain circumstances. But, it was maintained, relief might be sought in such cases without attacking the regulations in their entirety or the constitutionality of the laws upon which they were based. Three members of the court—Associate Justices Van Devanter, McReynolds and Butler—dissented, but did not file their views in written form.

The case came to the court on appeal by the village of Euclid, a suburb of Cleveland, Ohio. The Federal court for the Northern District of Ohio, on [illegible] pany, and held that the zoning ordinance passed by the Village Council was void and enjoined its enforcement.

The village had classified the realty company's holdings as residential lots, whereas the company wanted them zoned as business lots. The company asserted that its property was worth $10 000 an acre if used as business sites, but not more than $2,500 an acre for residential purposes. It contended that the ground was more suitable for business uses.

The realty company assailed the ordinance on the ground that it was in derogation of Article 1 of the Fourteenth Amendment to the Constitution, in that it deprived the concern of liberty and property without due process of law and, further, that it denied the equal protection of the law.

Advantages of Segregation.

The Supreme Court suggested in its opinion that segregation of residence, business and industrial buildings increases the security of home life, tends to prevent street accidents, especially to children; decreases noise and other conditions which produce or intensify nervous disorders and preserves a more favorable environment in which to rear the young. It suggested a menace in the advance of the apartment house into districts that might be reserved for individual dwellings. It suggested that in some circumstances apartment houses "come very near to being nuisances." It justified the zoning system as analogous to regulations governing traffic on city highways.

While no direct reference was made to New York, the Court pointed out that there was no difference of opinion as to the validity of laws fixing the height of buildings.

The Euclid Village ordinance defined the residence zone as one restricted to single-family dwellings, public parks, water towers, electric railway passenger stations and rights of way, and farming and non-commercial greenhouses, nurseries and truck gardens. The Court pointed out that this does not specifically authorize schools, churches or apartment houses.

"Building laws are of modern origin," the Court said. "Regulations, the wisdom, necessity and validity of which, as applied to existing conditions, are so apparent that they are uniformly sustained, a century ago, or even half a century ago, probably would have been rejected as arbitrary and oppressive. Such regulations are sustained, under the complex conditions of our day, for reasons analogous to those which justify traffic regulations, which before the advent of automobiles and rapid transit street railways, would have been condemned as fatally arbitrary and unreasonable.

"In this there is no inconsistency, for, while the meaning of constitutional guaranties never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within the field of their operation. In a changing world, it is impossible that it should be otherwise.

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"The ordinance now under review and all similar laws and regulations must find their justification in some aspect of the police power, asserted for the publoc welfare. The line which in this field separates the legitimate from the illegitimate assumption of power is not capable of precise delimitation. A regulatory zoning ordinance which would be clearly valid as [illegible] numerous and conflicting, but those which broadly sustain the power greatly outnumber those which deny it altogether or narrowly limit it.

The Court said the serious question in the present case arose over the provisions of the ordinance excluding from residence districts apartment houses, business houses, retail stores and [illegible] establishments are shops and other places of business and trade of every sort, including hotels and apartment houses, are excluded.

The decisions of the courts on this question, the Supreme Court observed,

Segregation-1926

Oklahoma.

OKLAHOMA CITY, OKLA.

Times

NOV 2 4 1926

EAST SIDE BAN ON NEGROES IS DRAWN TIGHTER

Residents Of Area Sign Up Owners In 50 Blocks.

Further restriction of property against negro habitation on the east side was accomplished Tuesday night in a meeting of the Citizens' association at the Grace Methodist church, Tenth street and Lindsay avenue.

Committees reported fifty of the 100 resirous blocks signed up to refuse to sell, lease or rent to negroes. A. S. Heaney, chairman of the committee on restriction, reported that most of the property between Walnut street and the Santa Fe tracks and the Rock Island tracks and Fourth street was restricted for white habitation.

Negroes Are Angered

Feeling that to draw a line through the east side to separate the negroes from the whites was too drastic was expressed by members of the association. It was moved by A. C. Farley, secretary of theassociation, that the line be drawn through the alleys of the east side, instead of naming streets as the dividing line.

Feeling is said to be running high in the negro districts of the east side. The Citizens' association is taking the restriction move in an effort to keep the negroes from moving into the white settlements north of Fourth street.

New Meeting Planned

They base their charges on the report that the negroes are establishing undertaking parlors and barbacue stands in the very heart of the residential district in direct violation of the zoning rule.

Another meeting will be called in the near future to report on the final restrictions. The 100 blocks are expected to be signed up 100 percent within the next tow weeks, Farley said.

Segregation - 1926

will among the better thinking members of the white race and made it more easy for the masses of Negroes to understand that there was a public opinion which could be relied upon at such times. But at the same time that that was realized, it was not forgotten that changed conditions could render that good public opinion negligible in the determination of the case of Negroes and there would be, as formerly, the continual threat of the ordinance hanging over the heads of Negro residents here. It is because of this latter realization that Negroes as a class welcome any court decision which renders such ordinances invalid.

It is unnecessary to go again into a discussion of the fact that the residence of Negroes among whites or their moving into such neighborhoods is not due to their desire to live among white people but that they generally move into such places at the bidding of white realtors who declare that the whole section will soon be sold to Negroes; and even then, in the majority of cases, after they have purchased, they are amenable to argument which has to do with preserving the peace of the city. In every case they simply are seeking decent locations for the establishment of their homes.

In the light of such facts, and they are proven by the history of nearly every one of such cases which has arisen, there can be no doubt but that, without a segregation ordinance, a peaceable adjudication of such problems would be immeasurable bettered by the complete elimination of the ordinance. Negroes, not only in Dallas but but over Texas realize that Dallas is a good place in which to live and that the disposition of the members of the white race generally is one of fairness. And they believe likewise that this disposition on the part of members of the white race is due in no small upart to the realization by them of the desire of Negroes who live in this city to contribute in every way possible to its greatest success and progress along orderly lines. And it is far fro unreasonable to believe that, with definite study of the situation by thinking members of both races with definite regard for the needs of Negroes for room for expansion and for respectable residential sections, mutually satisfactory solution of the problem may be found. Certainly it is true that public opinion determines the success or failure of any ordinance or law and the constant recurrence of court proceedure around the situations arising from segregation ordinances in the various parts of the country gives room for the questioning of the agreement of general public opinion with such ordinances. But instances are on record of the practical solution of the housing relations of the two races without the invoking of legal proceedure. Dallas might do well to study these cases and it might be remarked here that it can depend definitely upon the ready co-operation of its Negro citizenry with its efforts in this direction.

Texas.

DALLAS, TEX.

Times

DEC 10 1926

THE SEGREGATION PROBLEM.

THE FACT that the city race segregation ordinance has met with another reversal in the higher courts does not mean that the ordinance is wholly unworthy. Although the measure is, technically, unconstitutional, the real purpose for which it was adopted is meritorious.

The Times Herald does not condone for a moment any sort of race prejudice. This is a free republic and all races eligible to citizenship under the constitution are entitled to equal rights in the sight of the law. But we do believe in any measure that promotes harmony; that prevents the growth of conditions that lead to discord.

That negroes and whites find it extremely difficult to live as neighbors in any American city is a fact that might as well not be overlooked. This is not only true in the South, where race prejudice is said to be especially pronounced, but it is true in the North, in New York and other Eastern cities.

Those who framed the city segregation ordinance did not do so because they desired to persecute the negro race, but because practical conditions made it necessary to draw some kind of line of demarkation between the residence districts of the white and the residence districts of the negroes.

The ordinance has been signularly successful in its application for several years in spite of the general admission by whites and negroes that it was unconstitutional. Certain districts have been set aside for the two races and, on the whole, the limitations have been observed. Whites have not been permitted to encroach upon the negroes and the negroes have not been permitted to invade the white districts.

Little discord has arisen in the older sections of the city where the lines have been definitely established. Occasional flurries of misunderstanding have come up, but they have been settled amicably. It is in deciding how newly developed territory should be divided that the city commissior has met with difficulty.

Total abandonment of the segregation ordinance will not help matters. On the contrary, it may lead to numerous complaints and arguments, from both whites and negroes. Without some kind of ordinance as a basis of decision of these disputes the city commission will be powerless.

The negroes of Dallas are crowded for room. Many of their districts have been completely surrounded by white home sections and they have no room to spread. When they go into the suburbs to open new subdivisions they find that most of the desirable territory has been claimed for the whites. The negroes need more room for their increasing population.

The real necessity of a segregation ordinance is so important that if such a measure cannot be enacted legally it should be put into effect through mutual agreement between the two races. A definite understanding regarding segregation would be to the benefit of both races.

The matter might be handled by a commission appointed by the mayor with a membership selected from both races. The decrees of such a commission could not be enforced except through public opinion. But with the support of both races public opinion would be sufficient.

The city government of Dallas and several other cities have found that whites are sometimes to blame for the disputes that arise between the races over the location of homes. White developers sometimes sell land to negroes without exercising discretion, and the negroes find that they cannot live harmoniously with their neighbors. Usually they sell out and move without protest.

The problem is one that should be settled in a tolerant and businesslike manner. It is vain to argue over technicalities. The Times Herald hesitates to place a burden upon a man who has already far more than earned his salary, but we would like to see Mayor Blaylock turn his hand to the problem. He is a diplomat of remarkable ability and it is altogether probable that he could bring about an agreement that would be agreeable to a majority of the citizens of Dallas of both races.

"WHAT DALLAS DAILIES SAY ABOUT SEGREGATION"

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The City will take its segregation ordinance to the Supremt Court following the adverse decision of the Fifth Court of Civil Appeals. That Court held, news summaries of its opinion indicate,thatit mifo violation of the Fourteenth Amendment to the constitution to forbid persons of Negro blood to occupy residences in a section set aside for whites by a city ordinance which at the same time extends the same time extends the same prohibition to white occupants of residences in sections set aside for Negroes.

It is manifest that the purpose of the ordinance enters vitally into whether there is such a discrimination on account of race or color as to make it unconstitutional. For example, if the purpost of the ordinance is to humiliate by law one portion of the citizenry of Dallas, the Constitution clearly renders it void. Similarly if it were intended to withhold from Negroes convtniences, sanitary facilities and other opportunities for a normal and wholesome home life it would be indisputably without force.

Sound segregation legislation however, is essentially a police measure necessary in this section of the country for the peaceful and orderly development of the white and black races. It contemplates thaa Negro home owners shall have tax-supported institutions and conveniences as well as the whites, and that they shall have assessment-supporaed improvements as they are able to pay for them.

It is worth noting that tht worth while Negroes generally prefer to live among persons of their own race. They are not ashamed of being Negroes and have no wish to ape the whites. There are a few who wish to give trouble by thrusting themselves into neighborhoods where their presence is an occasion for for breaches of the peace and inpleasantness to such an exten as to impair the sale value of surrounding properay. Owners who have bought property in such section upon the faith and representation that it was restricted to white occupaaion, and who paid accordingly for the anticipated benefits of that restriction, among other things, find the value of their property lowered and the quiet of their neighborhood destroyed by friction and even by actual violence.

Possibly it, was this view of the case which led the legal authorities of the city to consider that the most recent position of the Supreme Court upon zoning might have some bearing upon segregation. If zoning to lessen the danger of fire be permissible, then will not zoning to prevent race friction be permissible also? It is clear that Dallas has not had a comprehensive zoning scheme for the allotment of areas by racial divisions with equal facilities for each race. But its failure to do so has not been due to prejudice against Negroes by whites.

The whites of Dallas are not unmindful of the interests of Negroes here. In the main good feeling prevails. It may be that in parks and some other matters the Negroes have had rather less than their numerical proportion, yet, on the whole, they have received more than their tax proportion. The chances are that they will continue to receive from the community in benefits more than they pay to the community in taxation. Nor does anybody grumble that this is the case. As Dallas Negroes prosper, they buy more of Dallas institutions and the whole city prospers. Nobody here can profit much out of encouraging bitterness between the races. Yet just such an encouragement of feeling would surly arise should amicable segregation be done away with.

—Dallas Morning News.

Segregation – 1926 Texas.

Prosecution Pleads Violation 14th Amendment. Personal Rights Issue Enters. Defense Argues City Attempting to Maintain Peace. Jim Crow Law Used as Analogy by Defense

(By Wm. M. Thomas)

In the 54th District Court, over which Judge Louis Wilson presides Attorneys for the Liberty Annex Corporation have been fighting desperately to have the court issue an injunction to prevent the City of Dallas from inforcing an ordinance restricting this section to whites only. The legal department of the City of Dallas has made a counter attack in this case which has caused the prosecution to ask for time to ammend the original petition for injunction.

Judge Wilson is reported as having asserted that he could propably deny the injunction sought by the Liberty Annex Corporation against the city of Dallas to restrain enforcement of the race segregation ordinance.

Personal Liberty Plea

The defense has attempted to prove throughout the hearing that the ordinance was granted by the City of Dallas after representatives of the whites and negroes of this particular section had signed a written agreement favoring such an ordinance. The city tried to show the analogy of the "Segregation Ordinance" to the "Jim Crow Law," stating that "just as the laws State of Texas [illegible] "niggers shall ride in a separate coach so as to maintain peace and harmony, so has the Segregation Ordinance of the City of Dallas said, "niggers" can't live with white people.

The defense made constant reference to the "pact" signed by representatives of the "niggers" and whites but at 4:15 Monday evening had failed to produce this signed agreement.

The prosecution did not take issue with the defense as to the validity of the contract or pact signed but through its attorneys attempted to prove that the "Liberty Annex Corporation," owner of the section in question, was not a party to the agreement and therefore were compelled by law to abide the same. Upon this contention the prosecution based its arguement-ment, that failure of the court to grant an injunction restraioning the City of Dallas from enforcing the "Segregation Ordinance" would be depriving the members of the Liberty Annex Corporation of their "Personal Rights" which gave them the priviledge of disposing of their property in whatever way they may see fit

14th Amendment Violated

"That the Dallas Segregation Ordinance deprived the Negro of his "Civil Rights" as a citizen of these United States and violated the fourteenth amendment to the to the Constitution of the United States, was kept ringing in court room by attorneys for the prosecution. The right of a citizen of this U. S. to live wherever he may best pursue happiness is denied the Negro by the Segregation Ordinance of the City of Dallas. The Ordinance conflict, with the National Constitution and should therefore he declared null and void.

The city tended to counteract this argument by attempting to show the court that if the rights of the Negro be infringed upon by such an ordinance, the Negro himself should make the complaint and should come before the court and assert the wrong done him. There is no Negro that has made such a complaint. The complaint or petition for injunction has been made by a white corporation which has for its motive not the protection of the rights of the Negro as laid down in the fourteenth Amendment but they are asking that such injunction be granted in order that they might make more money, in order that they might sell property to Negroes for three times as much as they would sell it to wites," was asserted by the representatives of the City of DaDllas.

The technical argument of the defense caused George T. Burgess and Alvin Ousley, former Commander of the American Legion, to ask time to amend their original petition. The court granted this request .

Should Judge Wilson fail to grant the injunction, Attorneys for the Liberty Annex Corporation will carry the case to higher courts.

OUR NEW SEGREGATION CASE

History of a sort is being made in the City of Dalias in the trial of the case involving the right of The Liberty Annex Corporation to open up some property for Negroes which lies in a restricted district. And some irony is added to the other ludricous aspects of the case by reason of the fact that the restrictions which render the zone in question a white zone were made in an "agreement" between white and Negro property owners two years ago. The case is now being argued with much zeal by the defense which accuses the corporation of "attempting to foist Negroes on a white neighborhood when even the Negroes do not want such a thing" and the attorneys for the corporation counter with the plea that "the property is not fit for the residence of white people therefore they are attempting to sell to Negroes.

The Express has nothing to do with the salableness of the property to white persons and it is anxious that some decision be handed down which will allow for the freer expansion of Negroes into desirable portions of the city. It has never agreed nor will it ever agree that any discriminatory legislation can make for the prosperity of any city, and while it make no claim to any knowledge of the technicalities of the law, it does know that, in spite of all arguments to the contrary, all such legislation has been discriminatory. But it is definitely opposed to the sentiment so often expressed to the effect that "Negroes should settle or be settled in property which is unfit for white habitation." Why should this be so generally held? No city is cleaner than its slums. No city can rise higher in its general health than the health of its least favored classes. Unhealthy Negro residential districts make for an increased white death rate. And law or no law, this is a fact which cannot be gainsaid. It then appears that any corporation or group which would settle any group of citizens in ill favored portions of the city does no service to that city. And likewise, no group of citizens which hinders the expansion of any other group into decent living quarters does a favor to the city of which it is a part.

And in this same connection, too much censure cannot be given to the Negroes of Dalias for their failure to vote against the passage of the ordinance which has made their expansion into desirable neighborhoods impossible. In the last analysis, they alone are to blame for the ills which they now suffer. The group which allowed the segregation ordinance to be placed on the statute books of the city of Dallas in an election in which there were scarcly 5000 votes polled and in which that ordinance passed by less than a 2000 majority, is well entitled to suffer all of the tortures of the damned for its negligence. No wonder then that there was a group which of its own accord made an "agreement" which now hinders its own expansion. The shortsightedness and ignorance of our group is, on some occasions, refreshing.

It is probable that this case will go the way of all such cases. White men have "sympathy" for each other. It is unlikely that that corporation will be interested in anything

farther than getting its equity out of the property in question. It will be satisfied to sell the property to any buyer. The right of the thing, as far as it is concerned, is hardly prominent in its thinking. But for us, there is the ever present question of where we are to expand in a city which is openly and definitely committed to the "equable" principle of segregation. Lack of old theory of "leaving politics to the white folks" put this ordinance on the statue books and the multitude of "civic" leagues are doing the rest. Lack of interest in our own welfare led us into this situation; but it will not lead us out. The fight back to a decent chance to live in desirable places will cost money, time, interest and much else that we have not been in the habit of spending readily for our own salvation. This is only of a number of such cases. But it is high time that we, as a group, were interesting ourselves in them. They mean more than now appears and the appearances now are by no means encouraging.

THREATENED WITH DYNAMITE

Lovers of good government regret to know that there yet seems to be a disturbance between the Whites and Negroes in parts of the city to the extent that the use of dynamit has been used at different times during the past year and that its use is still threatened, to deprice the Negroes of their homes. Up to this date no one has been killed or seriously injured. In many of these homes are innocent children, who are unconscious of the danger about them. If threats made last week become a reality, no doubt some of these children as well as parents may be hurled into eternity without the knowledge of what it's all about.

Fort Worth Light

It was the contention of the Fort Worth Light, about a year ago when this trouble began, that the city should take charge of the affair and order the return of these people's money, by the real estate men, who gave the colored people the assurance that they were not selling them property in what is called "restricted districts," and if this could not be done, we believe for the peace of the community, the city should have returned the money and got its returns when sale of the property was again made. Information comes to us that there have been no purchases of property by Negroes made in the 1100 block on Cannon street since it has been learned that it was termed as restricted. We believe these people would sell their holdings any day, if they could be assured of receiving what they have put in them. But to force these people out of their homes as now seems planned, is unfair. Most of the real estate that they have, are these homes that they have put most of their cash in.

Police guards will not remedy the condition. A wiser solution should be attempted. Police guards, we have been informed, have been on duty in these sections for the past year, yet Negro homes have been dynamited, rocked and threatening notes left there, as though there were no guards. It is impossible that these guards cover every spot of these sections at all times. The sane thing to do is to give these people who have been led into this bad situation by the "eager to sell" real estate agent, the price of these homes, every one of them will accept. The Negroes of this city are for peace. There are hundreds of White people here who are opposed to the dynamiting of anyone's home. We believe that these White people should use their influence in the defense of peace. Not because you are sponsoring the cause of the Negro, but because you believe in upholding the good name of your home town, desiring right to prevail, matters not whom it affected.

It is possible for the Negro and the White man to live together without these kind of frictions and we believe that an appeal to reason, a mutual understanding and good will on the part of both races, will solve most of the problems affecting the two races.

DALLAS, TEX.

Journal

OCT 26 1925

PROPERTY OWNERS IN LAGOW SECTION BAN NEGRO SALES

Property owners of the Lagow district of Dallas Monday night affixed signatures to an iron-bound agreement that their property shall not be sold to negroes. The agreement is known as the Louisiana plan of race segregation, and was adopted by the Lagow residents because of the failure of the city to adopt effective race segregation ordinances. About 100 owners attended the Monday night meeting at the Lagow School. It was announced by John Bubak, attorney, that when the majority of the owners have affixed their signatures to the instrument it will be filed with the County Clerk.

HIGH COURT HITS TEXAS SEGREGATION

Reverses Lower Court's Decision Denying Injunction Against Residential Restrictions.

DALLAS, Dec. 8 — Dallas' constitutional rights as a municipality to say whether colored Americans shall be restricted from buying property or erecting homes within certain districts, must be heard on its merits as a case in the original trial court. This was the decision of the Fifth District Civil Appeals Court here Saturday.

Plaintiffs originally filed suit seeking an injunction restraining the city from enforcing its segregation ordinance. Judge Wilson, of the Forty-Fourth District Court sustained the city's general demurrer and threw the case out of court. The general demurrer set up the contention that plaintiffs had not perfected a legitimate cause of action.

12-10-20

But the Liberty Annex Corporation appealed and the higher court reversed and remanded the case to the trial court for a hearing on the merits of the case. In so doing, the higher court held that plaintiffs did set up a case of action.

ON SEGREGATION IN DALLAS

The City of Dallas will take its case involving the segregation ordinance to the Supreme Court following the adverse decision rendered last week by the Fifth Court of Civil Appeals. This Court, according to the news accounts held that the ordinance was a violation of the Fourteenth Amendment to the Constitution. It is understood that the case is the result of the desire of a white corporation to to open up a new addition for Negroes in a district which, heretofore, by a joint agreement, according to report, has been designated as white.

Express

It can be readily understood that this court decision gives extreme satisfaction to every Negro, not only in Dallas but in the country generally. And that satisfaction can be more easily understood when it is realized that the segregation evil is one of the major hindrances to Negro progress in America. And it is as easily understood that this evil is limited to no section of the country but is general. For several years it has grown in intensity and volume and there have been times, even in the City of Dallas itself when report of the intention of proponents of this ordinance to relegate Negroes as a class to the less favorable parts of the city for residence has caused a type of alarm among the less informed masses of them which bade fair to change their thinking in regard to the disposition toward fairness of the white people of the city. Nor can it be argued that the presence of this ordinance on the statute books of the city and the attaching of riders which increased the restricted territory at that time did not have much to do with their feeling that there was little help to be had from the city authorities at that time. That fear died soon due to the appointment of the housing commission by the Mayor and the making of the surveys under the direction of the Interracial commission of the City. These latter circumstances gave definite evidence of the prevalence of good

Segregation - 1926

Virginia.

Norfolk's Segregation Ordinance

It was to be expected that Norfolk's racial residential segregation ordinance would fail to stand up under its first court test. The United States Supreme Court in 1917 entered the decree as to the unconstitutionality of this sort of legislation. Municipalities that fly in the face of that fiat by statutory enactments simply make themselves appear ignorant of what has gone before and look ridiculous. The little city of Church Falls, Va., recently passed such an ordinance, but upon being advised that it was unconstitutional, promptly rescinded it.

In the case of Edwards versus Falls which came up in Police Court last week Justice Spindle promptly ruled in conformity with the Supreme Court decision. Justice Spindle is an attorney of high repute, a broad-minded judge and a representative of the best type of American citizen. It was not expected that he would render an opinion which would flout the mandate of the highest court of the nation, or that he would even in any way seek to circumvent that mandate. He struck right out in the open, and those who have watched the conduct of his court, knew that is exactly what he would do.

And those who brought the law to a court test without waiting for some violation to occur around which might have been engendered too much anti-racial feeling for the good of the community, have rendered a public service. The best time to test any questionable law is before some violation of it has created public furore and unsettled the public mind.

JUSTICE SPINDLE HEARS ARGUMENT ON SEGREGATION

Warrant Is Issued Against Colored Family That Moves Into So-Called White Residential District.

The constitutionality of Norfolk's residential segregation ordinance again came before the local courts Wednesday morning when Samuel Costen, who recently moved into a house at the corner of Mapleton and Majestic avenues, was given a hearing before Police

COURTS TWICE RULE AGAINST JIM CROW LAW

Norfolk, Va., April 9.—Norfolk's new residence segregation ordinance was for the second time ruled unconstitutional when City Circuit Judge Allen B. Hanckel Saturday sustained the ruling of Police Justice Spindle. The case was carried before Judge Hanckel on appeal proceedings initiated by Attorney W. W. Foreman, counsel for the local N. A. A. C. P. branch, who wanted the favorable police court decision sustained by a court of record.

The decisions followed a test case filed by Attorney Foreman after Nathan Falls, a white merchant, had established himself at Chapel and Goff Sts. He was sued by the N. A. A. C. P. for invading a segregated neighborhood in violation of the new ordinance. After Police Justice Spindle had ruled the ordinance unconstitutional and Falls therefore not liable, an effort was made to block the association's appeal to the higher court.

Justice Spindle on a warrant sworn out against him on complaint of whites in the neighborhood who objected to Costen's living near them. Justice Spindle took the case under advisement, informing the attorneys in the case that they may file briefs and setting July 15, as the date for the next hearing.

Attorneys in the Case

John B. Jenkins and J. Louis Broudy argued the case on behalf of the city, while David H. Edwards appeared for the defendant. Mr. Jenkins and Mr. Edwards cited various authorities. Mr. Jenkins contended that the Norfolk ordinance is different in some essentials from the Louisville ordinance, declared unconstitutional by the United States Supreme Court in 1917, and said it was an exact duplicate of the New Orleans ordinance, recently held constitutional by the Supreme Court of Louisiana.

The lawyers for the city contended that the code does not affect property rights in that there is no provision in it prohibiting a colored man from owning property in a white locality and vice versa, as did the Louisville ordinance. They said that it carries in effect a proper grant of police power. David Edwards argued that the very denial of the right of accupancy was in effect a restriction of property rights and that the provision giving citizens the power to waive the effect of the ordinance by their signatures was an improper grant of legislative power. He cited authorities on this point.

New Resident Section Open

Cottage Heights, a new section for Negroes, is now on sale. This section lies between North Chapel street and the new Colored Park.

The Negro sections of Norfolk have long been over-crowded. The houses having drive and bath can not be rented or bought at a reasonable price. Rents in these sections are too high. Owners are indifferent about making repairs or improvements because there are more Negroes than houses. If one tenant will not do his own repairing another can be found who will or who will live in the house in a run-down condition.

This new section affords a chance to get out of the crowded part of the city with its small yards and lack of bathrooms, yards which in hundreds of cases must be shared with three other families. It affords a chance to increase Norfolk's large list of Negroes owning property and to decrease the large number of Negroes in middle and old age begging help. A few dollars a week invested in this way by a young man or woman now means a home paid for at thirty to thirty-five.

A. J. Proescher, white, owner of the greater portion of this land is anxious to see Cottage Heights developed into a high class residential section. He has placed the sale on these lots in the hands of a Negro Real Estate firm and is arranging the payments so low that any thrifty person can buy one or more without inconvenience. Several pretty types of modern homes, semi-bungalows, colonial style houses, etc., will be built on easy terms on these lots when they are paid for.

Negroes of this city can do a lot toward lowering the high colored RENT RATE and the high colored DATH-RATE by moving into the suburbs whenever the whites who own the major portion of this land are willing to turn it into Negro sections. There are a score of more white suburban sections but only one or two Negro sections. As a race we must stop buying old houses in sections other races are leaving and build up new sections of our own with new modern houses having some of the conveniences of the present day.

Norfolk Branch N A A C P Fights Segregation

According to announcement made today by the National Association for the Advancement of Colored People, the Norfolk, Va., Branch of the N. A. A. C. P., of which its President, Attorney David H. Edwards, is opposing an ordinance designed to segregate Negroes. The case was argued recently before the Norfolk courts.

The test case arose when Samuel Costen moved into a house at the corner of Maple and Majestic avenues. White neighbors swore out a warrant against Costen in protest against his presence in the house at the above address. Judge Spindle heard argument made by the attorneys. John B. Gentry and J. Lewis Broudy appeared for the City of Norfolk, while Mr. Edwards appeared for Mr. Costen.

The City attorneys contended that the Norfolk ordinance in some essentials is different from the Louisville ordinance which the Supreme Court declared unconstitutional in 1917. Their contention was based upon the fact that the Norfolk ordinance is an exact copy of the New Orleans ordinance which is now pending in the United States Supreme Court, having been carried there by the New Orleans Branch of the N. A. A. C. P.

The contention is based upon the decision that the ordinance does not deny ownership but simply bars a Negro property owner from occupying his property or renting it to Negroes.

Mr. Edwards, on the other hand, argued that the denial of the right of occupancy was effectually a restriction of property rights and that the provision giving citizens the power to waive the effect of the ordinance by their signatures was an improper grant of legislative power.

Judge Spindle took the case under advisement and then notified attorneys that they could file briefs, setting July 15th as the date of the next hearing.

Norfolk Judge Says Segregation Ordinance Invalid Second Time

NORFOLK, VA.—Declaring the residential segregation ordinance passed recently by the City of Norfolk invalid and without effect, Judge Spindle of the police court ruled again against efforts to herd the Negroes of restricted areas.

This decision was rendered in the case of Samuel Costen, who recently sought to move his family into a house located at Mapleton and Majestic Avenues, a so-called white district. A warrant was issued against Costen on the complaint of white neighbors charging violation of the segregation ordinance.

David H. Edwards, attorney and President of the Norfolk Branch of the National Association for the Advancement of Colored People, appeared for Mr. Costen. Mr. Edwards was assisted by B. J. Barnes. For the plaintiffs appeared John B. Jenkins and J. Louis Broudy who contended that the Norfolk law was not affected by the United State's Supreme Court decision of 1917 in the Louisville Case, as the law under consideration was identical with the one in New Orleans which the Supreme Court of Louisiana has upheld, which case is now pending in the U. S. Supreme Court through the work of the New Orleans Branch of of the N. A. A. C. P.

Mr. Edwards made a brilliant argument, contending that the law did not differ in its essentials from the Louisville ordinance; that it did abridge the constitutional rights of citizens; and that the provision which allows the occupancy of a home in a white neighborhood by a colored family on consent of the majority of white residents of that section and vice versa, were an improper exercising of legislative authority.

Following the submission of briefs by attorneys on both sides, Judge Spindle rendered his decision declaring the law invalid, unconstitutional and without effect.

Judge Spindle's previous decision was rendered when Mr. Edwards prosecuted a white merchant who moved into a Negro neighborhood. The case was dismissed on the ground that the law was invalid. It is believed that the two adverse decisions will end attempts at segregation in Norfolk by this means.

NORFOLK JUDGE DE-CLARES SEGREGATION ORDINANCE INVALID

Norfolk, Va., July 28.—Declaring the residential segregation ordinance passed recently by the City of Norfolk invalid and without effect, Judge Spindle of the police court on July 15 ruled again against efforts to herd the Negroes of Norfolk in restricted areas. This decision was rendered in the case of Samuel Costen, a colored man, who recently sought to move his family into a house located at Mapleton and Majestic Avenues, a so-called white district. A warrant was issued against Costen on the complaint of white neighbors charging violation of the segregation ordinance.

David H. Edwards, attorney and President of the Norfolk Branch of the National Association for the Advancement of Colored People appeared for Mr. Costen. Mr. Edwards was assisted by B. J. Barnes. For the plaintiffs appeared John B. Jenkins and J. Louis Broudy, who contended that the Norfolk law was not affected by the United States Supreme Court decision of 1917 in the Louisville case, as the law under consideration was identical with the one in New Orleans which the Supreme Court of Louisiana has upheld, which case is now pending in the U. S. Supreme Court.

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SEGREGATION LAW NAILED BY ROANOKE COURT

Roanoke Judge Declares Recently Enacted Ordinance Restricting Property As To Races Unconstitutional

Roanoke, Va., July 21—Rendering the decision that the regregation ordinance passed a few months ago by the City Council, is repugnant to the fourteenth amendment, Judge John M. Hart, Judge of the Hustings Court for the City of Roanoke, Virginia dismissed the appeal case of Doctor George E. Moore, in Hustings Court on July 19. Four of five similar cases of colored persons charged with violating the segregation ordinance also were dismissed.

Judge Hart Gives His Opinion

Judge Hart in handing down his decision in the Moore case, which had been appealed from the Police Court, (of which Judge Beverly Berkley presides) said:

"The only point at issue in this and several similar cases is as to the constitutionality of an ordinance of the City of Roanoke known as the segregation ordinance and the object of which is to prevent colored persons from taking residence in district in which a majority of the residents are white and to prevent white persons from taking up residence in a district of which a majority of the residents are colored.

The defendant here, a colored man, violated this ordinance and took up a residence in a white district.

"The constitutionality of the ordinance is attacked by the defendant and maintained by the city with ability and all the law available has been laid before the Court. The defense relies principally upon the case of Buchanan v Warley (245 U. S. p. 149) in which an ordinance of the city of Louisville, Ky., which undertook to prevent colored persons from buying in white communities and white persons from buying property in colored communities was held invalid as violating the fourteenth amendment of the constitution of the U. S. In that case the court said "the 14th amendment protects life, liberty and property from the invasion by the states without due process of the law. Property is more than a mere thing which a person owns. It is elementary that it includes the right to acquire, use and dispose of it. The constitution protects these essential attributes of property. Property consists of the free use, enjoyment and disposal of a person's acquisitions without control or diminution, save by the law of the land."

The ordinance of the city of Roanoke is an exact copy of the ordinance of the city of New Orleans, now before the Supreme Court of the U. S. for decision which was held constitutional by the Supreme Court of that state in the case of Tvler v. Harman.

Segregation Ordinance Is Invalid In Norfolk

NORFOLK, Va., July 29.—Declaring the residential segregation ordinance passed recently by the City of Norfolk invalid and without effect, Judge Spindle of the police court on July 15 ruled again against efforts to herd the Negroes of Norfolk in restricted areas. This decision was rendered in the case of Samuel Costen, a colored man, who recently sought to move his family into a house located at Mapleton and Majestic avenues, a so-called white district. A warrant was issued against Costen on the complaint of white neighbors charging violation of the segregation ordinance.

David H. Edwards, attorney and President of the Norfolk Branch of the National Association for the Advancement of Colored People, appeared for Mr. Costen. Mr. Edwards was assisted by B. J. Barnes. For the plaintiffs appeared John B. Jenkins and J. Louis Broudy who contended that the Norfolk law was not affected by the United States Supreme Court decision of 1917 in the Louisville Case, as the law under consideration was identical with the one in New Orleans which the Supreme Court of Louisiana has upheld, which case is now pending in the U. S. Supreme Court through the work of the New Orleans Branch of the N. A. A. C. P.

Mr. Edwards made a brilliant argument, contending that the law did not differ in its essentials from the Louisville ordinance; that it did abridge the constitutional rights of citizens; and that the provision which allows the occupancy of a home in a white neighborhood by a colored family on consent of the majority of white residents of that section and vice versa, were an improper exercising of legislative authority.

Following the submission of briefs by attorneys on both sides, Judge Spindle rendered his decision declaring the law invalid, unconstitutional and without effect

Segregation - 1926

VIRGINIA JUDGE SAYS ORDINANCE IS "UNLAWFUL"

Roanoke, Va., July 20. Rendering the decision that the segregation ordinance, passed a few months ago by city council, is repugnant to the fourteenth amendment, Judge John M. Hart dismissed the appeal case of George E. Moore, colored, in hustings court yesterday. Four or five similar cases of colored persons charged with violating the segregation ordinance also were dismissed.

Hart's Opinion.

Judge Hart in handing down his decision in the Moore case, which has been appealed to the supreme court, said:

"The decision in this and several similar cases is as to the constitutionality of an ordinance of the City of Roanoke known as the segregation ordinance and the object of which is to prevent colored persons from taking up residence in districts in which a majority of the residents are white and to prevent white persons from taking up residence in districts in which a majority of the residents are colored.

"The defendant here, a colored man, violated this ordinance and took up residence in a white district.

"The constitutionality of the ordinance is attacked by the defendant and maintained by the city with ability and all the law available has been laid before the court. The defense relies principally upon the case of Buchanan v. Warley (245 U. S. p. 149) in which an ordinance of the City of Louisville, Kentucky, which undertook to prevent colored persons from buying property in white communities and white persons from buying property in colored communities was held invalid as violating the 14th Amendment to the Constitution of the United States. In that case the court said 'The 14th Amendment protects life, liberty, and property from invasion by the states without due process of law.' Property is more than the mere thing which a person owns. It is elementary that it includes the right to acquire, use and dispose of it. The Constitution protects these essential attributes of property. Property consists of the free use, enjoyment, and disposal of a person's acquisitions without control or diminution save by the law of the land. The ordinance in question in the city of Roanoke is an exact copy of an ordinance of the City of New Orleans (now before the Supreme Court of the United States for decision) and was held constitutional by the Supreme Court of that state in the case of Tyler v. Harman (104 Southern Reporter p. 200).

"The object of the City Council in passing the ordinance before us in its phraseology was to comply as far as possible with the decision of the United States Supreme Court. The ordinance which was before the Court of Appeals of Richmond in 117 Virginia, page 602, was nothing like as repugnant to the 14th Amendment of the Constitution of the United States as is the ordinance before us, certainly not more so and yet after the rendition of the opinion in Buchanan v. Wharley, when the same ordinance again came before the Court in Irving v. Clifton Forge (124 Va. p. 781), the court felt compelled to revise its former decision and to hold the ordinance invalid. The Supreme Court of Appeals of Louisiana evidently was blind to the significance of the language of the highest tribunal in the land when it said 'That the amendment guaranteeing the protection of property guaranteed also the right to acquire, use and dispose of it without control or diminution. The Court of Louisiana strives in some obscure way to make the principles decided in the case of Plessy v. Ferguson (163 U. S. 537), in which the so-called Jim Crow laws of certain states were upheld, apply to this case. The cases are entirely different. In that case no right of property was involved but only the so-called social rights and the court rightly held that so long as people of color were given equal accommodations as to travel that they could not complain because these accommodations were not in the same compartments as those furnished to the whites. The ordinance to the 14th Amendment of the Constitution and the accused must be dismissed."

Virginia.

SEGREGATION LAW TALK IN PORTSMOUTH

Certain Councilmen Favor Enactment Of Measure

The City of Portsmouth would seek to get rid of unsightly residential buildings bordering on white neighborhoods by the enactment of an ordinance segregating the colored race if the suggestions of Councilman Dunford, and Councilman Mayo were to carry. At a public meeting of the City Council this week an animated discussion was precipitated over the necessity for and legality of such an ordinance, which some of the councilmen appeared to feel would make possible the removal or repair of buildings which desecrate the landscape.

Councilman Dunford, it is stated, declared that Portsmouth was the only city of its size with no laws to keep colored people from moving into white residential districts, many instances of which, he claims, have occurred to the general depreciation of values in the section so entered.

Previous Efforts Failed

An effort made by the city several years ago to frame a practicable segregation ordinance operating on the race proportion in each block was halted by the difficulty presented, City Attorney Barclay is said to have explained. He also advised that attempts to enforce such segregation laws in several parts of the country had resulted in reversal by the Supreme Court.

Councilman Mayo thought that the validity of such an ordinance might never be attacked.

It is said that Councilman White explained that former City Manager Jervey had given the question exhaustive study and concluded that no valid law could be passed to segregate colored from white people. He said the race question is a serious one that "must be worked out among ourselves."

Source of Discussion

The discussion of such an ordinance was precipitated by one of a delegation of the Robert E. Lee School League who had come to the council meeting to protest against a row of unsightly houses within the neighborhood of the school.

VIRGINIA TOWN WOULD INITIATE JIM-CROW LAW

Suggest Legislation To Stop Race From Invading White Districts

PORTSMOUTH, Va., Oct. 22.—(P. N. S.)—Members of the Lee Ward Civic League are strongly importuning city council to pass a law forbidding Negroes to move into white neighborhoods.

After a heated and lively discussion last Wednesday night in the council meeting over the need in Portsmouth of a segregation law and legal means of enforcing it the City Manager is reported to have assured the complainants that he would like a little time to look into the matter and see if many of the things complained of could not be satisfactorily adjusted.

It was brought out at this meeting during the heated discussions that there existed a row of old delapidated frame houses in the immediate vicinity of the Robert E. Lee school. These old shacks could not be rented to white people and the owners had turned them over to Negro tenants. One of the speakers declared that the old shacks constituted nothing less than an eye-sore. These were sufficient cause for council to take some action to see that they were removed. Then to add to the whole ugly situation by letting Negroes live in them certainly should cause any white person with an ounce of civic pride to take some steps to clean up the neighborhood.

It was suggested by some speakers that legal means should be employed to have the owners raze the buildings. This would keep the Negroes out of the community.

Councilman Dunford declared that Portsmouth was the only city of its size in the country which did not have a law to keep colored people from moving into white residential districts.

City Attorney Barclay responded that an effort some years ago to evolve a workable segregation law operating on the race proportion in each block was halted by the difficulties involved. He said that about that time attempts to imposs segregation laws in other cities had been halted by the courts. The ordinances had been declared unconstitutional.

Councilman Mayo then sprang to his feet and declared that the validity of such an ordinance in Portsmouth might not be attacked by the Portsmouth Negroes.

Councilman White stated that the question had been studied carefully and exhaustively by former City Manager Jarvy, who reached the conclusion that no valid law could be passed for the segregation of the races. To this Mrs. Woodard, president of the Robert E. Lee School League, took exceptions, declaring that it is done in practically all of the cities of the North. Mr. White then asked her to name some of the northern cities in which the law was operating. Mrs. Woodard's face flushed and she stammered. At this point City Manager Hanrahan suggested that he might be able to do something, and the matter was referred to him.

Portsmouth, Va., Council Plans Segregation Law

Portsmouth, Va., Oct. 20 (PNS)—Members of the Lee Ward Civic League are strongly importuning city council to pass a law forbidding Negroes to move into white neighborhoods.

After a heated and lively discussion last Wednesday night in the council meeting over the need in Portsmouth of a segregation law and legal means of enforcing it the City Manager is reported to have assured the complainants that he would like a little time to look into the matter and see if many of the things complained of could not be satisfactorily adjusted.

It was brought out in that meeting during the heated discussions that there existed a row of old dilapidated frame houses in the immediate vicinity of the Robert E. Lee school. These old shacks could not be rented to white people and the owners had turned them over to Negro tenants. One of the speakers declared that the old shacks constituted nothing less than an eye-sore. These were sufficient cause for council to take some action to see that they were removed. Then to add to the whole ugly situation by letting Negroes live in them certainly should cause any white person with an ounce of civic pride to take some steps to clean up the neighborhood.

It was suggested by some speakers that legal means should be employed to have the owners raze the buildings. This would keep the Negroes out of the community.

Councilman Dunford declared that Portsmouth was the only city of its size in the country which did not have a law to keep colored from living in white residential districts.

City Attorney Barclay reponded that an effort some years ago to evolve a workable segregation law operating on the race proportion in each block was halted by the difficulties involved. He said that about that time attempts to impose segregation laws in other cities had been halted by the courts. The ordinance had ben declared unconsittutional.

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Councilman White stated that the question had been studied carefully and exhaustively by former City Manager Jervy, who reached the conclusion that no valid law could be passed for the segregation of the races. To this Mrs. Woodard, president of the Robert E. Lee School League, took exceptions, declaring that it is done in practically all of the cities of the North. Mr. White then asked her to name some of the northern cities in which the law was operating. Mrs. Woodard's face flushed and she stammered. At this point city manager Harrahan suggested that he might be able to do something, and the matter was referred to him.

ATTEMPT TO SEGREGATE NEIGHBORHOODS IN PORTSMOUTH, VIRGINIA

The Lee Ward Civic League wants a law against Colored people moving into "white" neighborhoods. A big meeting the other night ended without reaching an agreement on the matter. City Attorney Barclay said that an effort some years ago to evolve a workable segregation law operating on the race proportion in each block was halted by the difficulties involved and that about that time attempts to impose segregation laws in other cities had been halted by the courts. The ordinances had been declared unconstitutional.

One Councilman went so far as to say that such an ordinance might not be attacked by Colored people in Portsmouth.

Another Councilman said that the question had been studied carefully and exhaustively by former City Manager Jervy, who reached the conclusion that no valid law could be passed for the segregation of the races, but the City Manager suggested that the matter be left with him and he would see what could be done.

PORTSMOUTH TO FIGHT FOR NEGRO DISTRICTING LAW

Dilapidated Negro Homes Eye-sore, Claim of Speakers Before City Council.

Woman Asks For Law

Single Councilman Tells Body Segregation Ordinance Proved Invalid.

(Preston News Service)

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After a heated and lively discussion last Wednesday night in the council meeting over the need in Portsmouth of a segregation law and legal means of enforcing it the City Manager is reported to have assured the complainants that he would like a little time to look into the matter and see if many of the things complained of could not be satisfactorily adjusted.

Negroes in Shacks.

It was brought out that meeting during the heated discussions that there existed a row of old dilapidated frame houses in the immediate vicinity of the Robert E. Lee school. These old shacks could not be rented to white people and the owners had turned them over to Negro tenants.

One of the speakers declared that the old shacks constituted nothing less than an eye-sore. These were sufficient cause for council to take some action to see that they were removed. Then to add to the whole ugly situation by letting Negroes live in them certainly should cause any white person with an ounce of civic pride to take some steps to clean up the neighborhood.

Councilman for Action.

It was suggested by some speakers that legal means should be employed to have the owners raze the buildings. This would keep the Negroes out of the community.

Councilman Dunford declared that Portsmouth was the only city of its size in the country which did not have a law to keep colored people from moving into white residential districts.

City Attorney Barclay responded that an effort some years ago to evolve a workable segregation law operating on the race proportion in each block was halted by the difficulties involved. He said that about that time attempts to impose segregation laws in other cities had been halted by the courts. The ordinances had been declared unconstitutional